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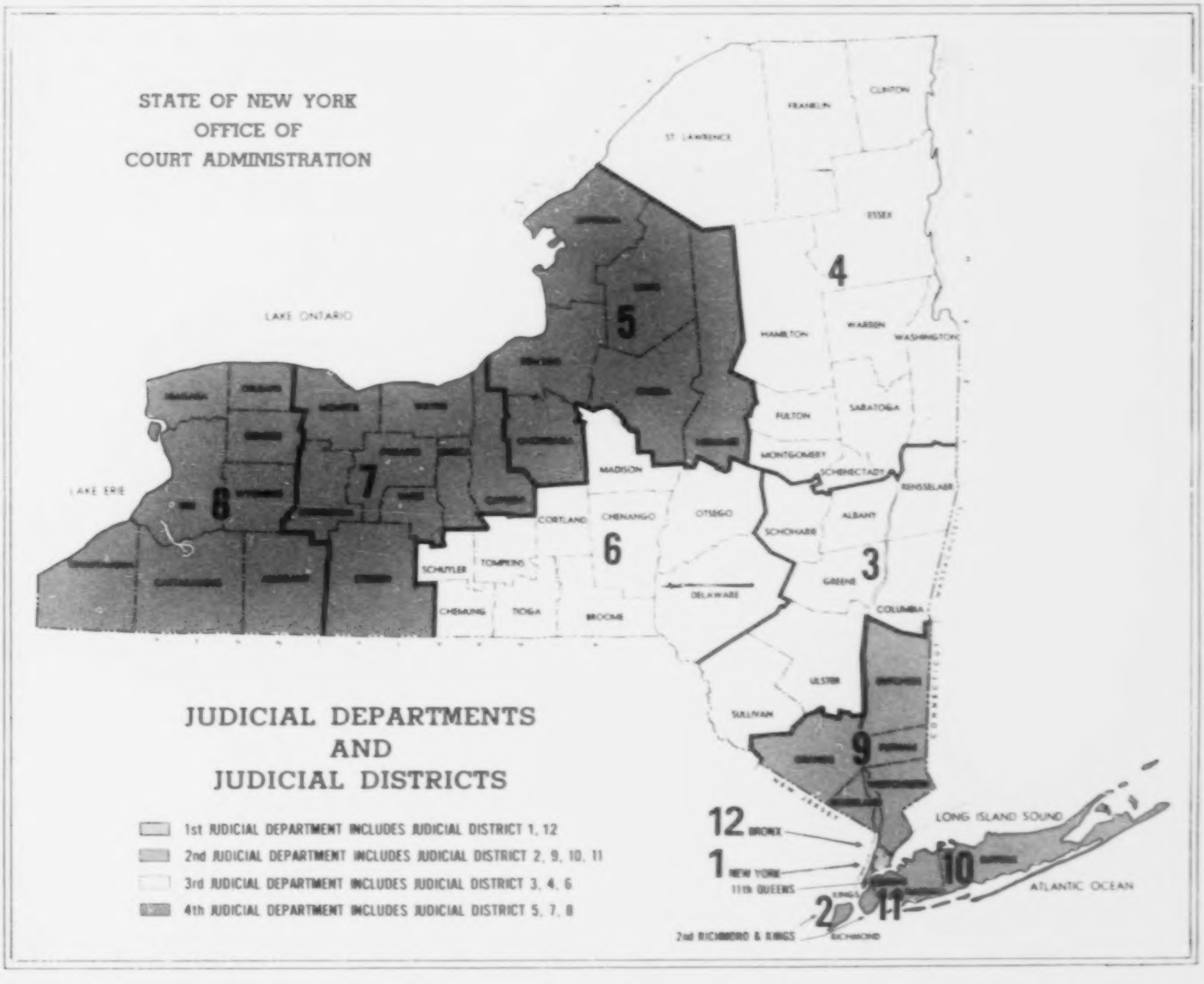
STATE OF NEW YORK

State of New York
Unified Court System

Tenth Annual Report
of
The Chief Administrator of the Courts

1988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AND
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ATLANTIC OCEAN
2nd RICHMOND & KINGS
RICHMOND

Letter of Transmittal

To:

THE HONORABLE MARIO M. CUOMO, Governor of the State of New York,
and
The Legislature of the State of New York:

Pursuant to Section 212 (j) of the Judiciary Law, I submit this annual report of the activities and state of the unified court system in 1987.

Albert M. Rosenblatt
Chief Administrative Judge

March 15, 1988

COURT OF APPEALS

Sol Wachtler, *Chief Judge*

Richard D. Simons
Judith S. Kaye
Fritz W. Alexander

Vito J. Titone
Stewart F. Hancock, Jr.
Joseph W. Bellacosa

ADMINISTRATIVE BOARD OF THE COURTS

Sol Wachtler, *Chairman*

Francis T. Murphy
Milton Mollen

A. Franklin Mahoney
Michael F. Dillon

Legislative Document No. 90

STATE OF NEW YORK

Report
of
The Chief Administrator of the Courts

For the Calendar Year
January 1, 1987 — December 31, 1987

Court of Appeals
Sol Wachtler, *Chief Judge*

Richard D. Simons
Judith S. Kaye
Fritz W. Alexander II

Vito J. Titone
Stewart F. Hancock, Jr.
Joseph W. Bellacosa

Chief Administrative Judge of the Courts
Albert M. Rosenblatt

Administrative Board of the Courts
Sol Wachtler, *Chairman*

Francis T. Murphy
Milton Mollen

A. Franklin Mahoney
Michael F. Dillon

State of New York
Unified Court System
1987

ALBERT M. ROSENBLATT
Chief Administrative Judge

MILTON L. WILLIAMS
Deputy Chief Administrative Judge
New York City Courts

MATTHEW T. CROSSON
Deputy Chief Administrator
for Management Support

ROBERT J. SISE
Deputy Chief Administrative Judge
Courts Outside New York City

Administrative Judges

KATHRYN McDONALD
Administrative Judge
New York City Family Court

ISRAEL RUBIN
Administrative Judge
New York City Civil Court

ROBERT G. M. KEATING
Administrative Judge
New York City Criminal Court

XAVIER C. RICCOBONO
Administrative Judge
First Judicial District
Supreme Court, Civil Branch

PETER J. McQUILLAN
Administrative Judge
First Judicial District
Supreme Court, Criminal Branch

LEONARD E. YOSWEIN
Administrative Judge
Second Judical District
Supreme Court

ALFRED D. LERNER
Administrative Judge
Eleventh Judicial District
Supreme Court

LOUIS FUSCO, JR.
Administrative Judge
Twelfth Judicial District
Supreme Court, Civil Branch

BURTON B. ROBERTS
Administrative Judge
Twelfth Judicial District
Supreme Court, Criminal Branch

DONALD J. CORBETT, JR.
Presiding Judge
Court of Claims

EDWARD S. CONWAY
District Administrative Judge
Third Judicial District

J. RAYMOND AMYOT
District Administrative Judge
Fourth Judicial District

WILLIAM R. ROY
District Administrative Judge
Fifth Judicial District

D. BRUCE CREW III
District Administrative Judge
Sixth Judicial District

JOSEPH G. FRITSCH
District Administrative Judge
Seventh Judicial District

JAMES B. KANE
District Administrative Judge
Eighth Judicial District

JOSEPH F. GAGLIARDI
District Administrative Judge
Ninth Judicial District

LEO F. McGINTY
Administrative Judge
Nassau County

ARTHUR M. CROMARTY
Administrative Judge
Suffolk County

-★-

MICHAEL COLODNER
Counsel

WILLIAM CLAPHAM
Director, Budget and Finance

MARY de BOURBON
Director, Communications

THOMAS CHRISTIAN
Director, Community Dispute
Resolution Centers Program

MICHAEL F. McENENEY
Director, Court Operational
Services

JOHN PERNO
Director, Court Security Services

HELEN JOHNSON
Director, Education and Training

HOWARD RUBENSTEIN
Director, Employee Relations

ADRIENNE WHITE
Director, Equal Employment
Opportunity

WILLIAM GALLAGHER
Inspector General

WAYNE McGRATH
Director, Personnel

RICK ROSS
Director, Programs and Planning

Preface

This is the Tenth Annual Report of the Chief Administrator of the Courts. It is submitted pursuant to section 212 (j) of the Judiciary Law and covers the period from January 1, 1987 through December 31, 1987.

This report is the tenth in a series that succeeded the annual reports of the Administrative Board of the Judicial Conference, the Judicial Conference, and the Office of Court Administration. That series, in turn, had succeeded the annual reports of the Judicial Council.

The report consists of four chapters. Chapter 1 describes the objectives, the structure, the administration and the financing of the courts in New York State. Chapter 2 presents the caseload activity report for court operations in calendar year 1987. Chapter 3 reports on education and training programs conducted, coordinated or assisted by the Office of Court Administration in 1987.

Chapter 4 summarizes (a) the legislation sponsored by the Office of Court Administration at the 1987 session of the Legislature and (b) rules revised or added during that year. It includes the *1988 Report of the Advisory Committee on Civil Practice to the Chief Administrator of the Courts of the State of New York*, the *1988 Report of the Advisory Committee on Criminal Law and Procedure to the Chief Administrator of the Courts of the State of New York*, the *1988 Report of the Family Court Advisory and Rules Committee to the Chief Administrator of the Courts in the State of New York*.

The two appendices consist of: 1) Other Programs (Retainer and Closing Statements, Statements of Approval of Compensation, Appointment of Fiduciaries, Attorney Registration, and Adoption Affidavits) and 2) Family Court Data.

The narrative, reportorial and statistical data collected in this report are intended to help the reader understand the judicial branch a bit better. This report also can serve to assist us in planning for the future because by looking back we can often see more clearly ahead. This report cannot convey, however, the abiding commitment of all members of the judicial branch to the ideal of justice equally dispensed for all. That commitment cannot be measured statistically. But it can always be improved. And that improvement remains our foremost and constant goal.

Please Do Not Destroy or Discard This Report.

When this report is of no further value to the holder, please return it to the Office of Court Administration, 270 Broadway, New York, N.Y. 10007, so that copies will be available for replacement in our sets and for distribution to those who may request them in the future.

Acknowledgment

The Chief Administrator of the Courts gratefully acknowledges the assistance and cooperation extended to him and to the Office of Court Administration during the past year by the Governor and his staff, members of the Legislature, members of the Judiciary, court personnel, bar associations, and individual lawyers and laypersons.

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Chapter 1

The Courts

The *Judiciary* is one of the three branches of New York State Government. The powers and the structure of the New York State Judiciary are embodied in Article VI of the State Constitution. Article VI was approved by the voters in the 1961 election and became effective September 1, 1962, bringing about the first court reorganization in New York since 1894.

Article VI provides for a "unified court system for the state," specifies the organization and the jurisdiction of the courts in the state, and establishes the method of selection and removal of judges and justices.

Article VI also provides for the administrative supervision of the courts. Since April 1, 1978, under a court reform constitutional amendment approved by the people in November 1977, the responsibility and the authority for that function have been vested in the Chief Judge of the Court of Appeals, who is the Chief Judge of the State.

The Judiciary (1) provides a forum for the peaceful, fair and prompt resolution of (a) civil claims and family disputes, (b) criminal charges and charges of juvenile delinquency and (c) disputes between citizens and their government and challenges to governmental actions; (2) determines the legality of wills, adoptions, uncontested divorces and other undisputed matters submitted to the courts for review and approval; (3) provides legal protection for children, mentally ill persons and others entitled by law to the special protection of the court; and (4) regulates the admission of lawyers to the Bar and their conduct and discipline.

1.1 Court Structure

In New York State the courts of original jurisdiction, or trial courts, hear a case in the first instance, and the appellate courts hear appeals from the decisions of other tribunals.

The *appellate courts* are the Court of Appeals, the Appellate Divisions and the Appellate Terms of the Supreme Court, and the County Courts acting as appellate courts in the Third and Fourth Judicial Departments. the *trial courts* of superior jurisdiction are the Supreme Court, the Court of Claims, the Family Court, the Surrogates' Courts and, outside New York City, the County Courts. The trial courts of lesser jurisdiction are the Criminal Court and the Civil Court of the City of New York and , outside New York City, City Courts, District Courts and Town and Village Justice Courts.

The appellate structure of these courts is shown in Figures 1a and 1b.

The *Court of Appeals* is the highest court of the state. It consists of the Chief Judge and six Associate Judges. They are appointed by the Governor for 14-year terms, with the advice and consent of the Senate, from among persons found to be well-qualified by the Commission on Judicial Nomination. Five members of the Court constitute a quorum, and the concurrence of four members is required for a decision.

The jurisdiction of the Court is limited by Section 3 of Article VI of the Constitution to the review of questions of law, except in a criminal case in which the judgment is of death or a case in which the Appellate Division, in reversing or modifying a final or interlocutory judgment or order, finds new facts and a final judgment or order is entered pursuant to that finding. An appeal may be taken directly from the court of original jurisdiction to the Court of Appeals from a final judgment or order in an action or proceeding in which the only question is the constitutionality of a state or Federal statute. In other matters, the Constitution provides that certain cases can be taken to the Court of Appeals as a matter of right, while in still other cases an appeal to the Court of Appeals may be taken only with the leave of a justice of the Appellate Division or a judge of the Court of Appeals or upon the certification of the Appellate Division of the Court of Appeals.

The Court also hears appeals from determination of the State Commission on Judicial Conduct.

The Appellate Divisions of the Supreme Court are established in each of the state's four judicial departments (see the map at the beginning of this chapter). Their responsibilities are:

> Resolving appeals from judgments or orders of the superior courts of original jurisdiction in civil and criminal cases and reviewing civil appeals taken from the Appellate Terms and the County Courts acting as appellate courts.
>
> Conducting proceedings to admit, suspend, or disbar lawyers.

Each Appellate Division has jurisdiction over appeals from judgments and from final and some intermediate orders rendered in county-level courts and original jurisdiction over selected proceedings. Where established by the Appellate Division, *Appellate Terms* exercise jurisdiction over civil and criminal appeals from various local courts and nonfelony appeals from the County Courts in the Second Judicial Department.

As prescribed by Section 4, Article VI of the Constitution, justices of the Supreme Court are designated to the Appellate Divisions by the Governor. The Governor designates the Presiding Justice of each Appellate Division, who serves for the length of his or her term of office as a justice of the Supreme Court. Associate justices are designated for five-year terms or for the remainder of their terms of office, whichever period is shorter. Section 212 of the Judiciary Law provides that justices of the Appellate Terms shall be designated by the Chief Administrator of the Courts with the approval of the Presiding Justices.

The *Supreme Court* has unlimited, original jurisdiction, but it generally hears cases outside the jurisdiction of other courts, such as:

Civil matters beyond the financial limits of the lower courts' jurisdiction;
Divorce, separation, and annulment proceedings;
Equity suits, such as mortgage foreclosures and injunctions; and
Criminal prosecutions of felonies and indictable misdemeanors in New York City.

Supreme Court justices are elected by judicial district for 14-year terms.

The *County Court* is established in each county outside New York City. It is authorized to handle criminal prosecutions of offenses committed within the county, although in practice, most minor offenses are handled by lower courts. The County Court also has limited jurisdiction in civil cases generally involving amounts up to $25,000.

County Court judges are elected in each county for terms of 10 years.

The *Surrogate's Court* is established in every county and hears cases involving the affairs of decedents, including the probate of wills and the administration of estates, and adoptions.

Surrogates are elected for terms of 10 years in each county outside New York City and for terms of 14 years in each county in New York City.

The *Family Court* is established in each county and the City of New York to hear matters involving children and families. The principal types of cases it hears include:

Support of dependent relatives;
Juvenile delinquency;
Child protection;
Persons in need of supervision;
Review and approval of foster-care placements;
Paternity determinations;
Family offenses; and
Adoptions (concurrent jurisdiction with the Surrogate's Court).

Family Court judges are elected for 10-year terms in each county outside New York City and are appointed by the Mayor for 10-year terms in New York City.

The *New York City Civil Court* tries civil cases involving amounts up to $25,000. It includes a Small Claims Part for the informal disposition of matters not exceeding $2,000 and a Housing Part for housing-code violations. New York City Civil Court judges are elected for 10-year terms. In addition to Civil Court judges, special Housing judges are appointed for 5-year terms to sit in Housing Parts. They are not, however, constitutional judges. The appointments are made by the Administrative Judge of the Civil Court.

The *New York City Criminal Court* conducts trials of misdemeanors and violations. Criminal Court judges also act as arraigning magistrates for all criminal offenses. New York City Criminal Court judges are appointed by the Mayor for 10-year terms.

There are four kinds of courts of lesser jurisdiction outdside New York City: *District, City, Town* and *Village Courts*. These four courts handle minor civil and criminal matters. The methods of selection and the terms of office of judges of these courts vary throughout the state.

The *Court of Claims* is a special trial court that hears and determines claims against the State of New York. Court of Claims judges are appointed by the Governor, with the advice and consent of the Senate, for nine-year terms.

(See Table 1 for the authorized number of judges in the State Judiciary.)

1.2 Court Administration

Section 28 of Article VI of the State Constitution provides that the Chief Judge of the Court of Appeals is the Chief Judge of the State and its chief judicial officer. The Chief Judge appoints a Chief Administrator of the Courts (who is called the Chief Administrative Judge of the Courts if the appointee is a judge) with the advice and consent of the Administrative Board of the Courts. The Administrative Board consists of the Chief Judge as chairman and the Presiding Justices of the four Appellate Divisions of the Supreme Court.

The Chief Judge establishes statewide administrative standards and policies after consultation with the Administrative Board of the Courts and promulgates them after approval by the Court of Appeals.

The Chief Administrator, on behalf of the Chief Judge, is responsible for supervising the administration and operation of the trial courts and for establishing and directing an administrative office for the courts, called the Office of Court Administration (OCA). In this task, the Chief Administrator is assisted by two Deputy Chief Administrative Judges, who supervise the day-to-day operations of the trial courts in New York City and in the rest of the state, respectively; a Deputy Chief Administrator, who supervises the operations of the units that make up the Office of Management Support; and a Counsel, who directs the legal and legislative work of the Counsel's Office.

The Office of Management Support provides the administrative services required to support all court and auxiliary operations. These services include personnel and budget administration; programs and planning operations; operational services; educational programs for judges and nonjudicial personnel; public information services; employee relations; equal employment opportunity programs; the Office of Inspector General; court security services, and the Community Dispute Resolution Centers Program.

Council's Office prepares and analyzes legislation, represents the Unified Court System in litigation, and provides various other forms of legal assistance to the Chief Administrator of the Courts.

Responsibility for on-site management of the trial courts and agencies is vested with the Administrative Judges. In each upstate judicial district, there is a District Administrative Judge who is responsible for supervising all courts and agenices. In New York City, Administrative Judges supervise each of the major courts, and the Deputy Chief Administrative Judge provides for managment of the complex of courts and court agencies within the City. As a result of an internal mangagement reorganization in 1981, the Administrative Judges not only manage court caseload, but also are responsible for general administrative functions, including personnel and budget administration and all fiscal procedures.

The Court of Appeals and the Appellate Divisions are responsible for the administration of their respective courts. The Appellate Divisions also oversee several Appellate Auxiliary Operations: Candidate Fitness, Attorney Discipline, Assigned Counsel, Law Guardians, and Mental Hygiene Legal Service.

Chapter 156 of the Laws of 1978 implements the constitutional provisions on the administrative supervision of the court system. Sections 211-213 of Article 7-A of the Judiciary Law set forth the administrative functions of the Chief Judge, the Chief Administrator, and the Administrative Board. (See Figure 2).

1.3 Court Finances

For the New York State fiscal year ending March 31, 1988, the anticipated expenditures for operating all the state courts, except town and village justice courts, were $773.3 million.

1.4 Program Highlights

1.4.1 Individual Assignment System

The Individual Assignment System (IAS) is an approach to case processing under which the judge assigned to a case at its inception handles the case exclusively to its conclusion. This case processing system was implemented in the Supreme, County and Family Courts throughout the state in January 1986. The IAS allows judges to give measured and efficient consideration to matters assigned to them, permitting the most effective processing of cases at each stage of deliberation and promoting increased public confidence in the courts. During the first two years under the IAS, the courts, the bar and the public they serve expressed satisfaction with the operation of this fair and open case assignment system, which is subject to continual assessment, modification and flexibility.

The policy of the Unified Court System on case processing under the Individiual Assignment System is to promote the following: (1) establishment of case processing practices under which each appearance of a case before a judge contributes meaningfully to the progress of the case towards disposition; (2) the delivery to judges of effective legal services, caseload management services, and information management services in support of their work; (3) disposition of cases within reasonable periods of time; (4) consistent familiarity of judges with the facts and issues of cases over which they preside; (5) the ability of judges to give measured, efficient consideration to matters brought before them, and (6) dignified in-courtroom calendar processing that promotes public confidence in and respect for the courts.

Although the final measure of the success of the Individual Assignment System is whether it results in a higher quality of justice for each case that comes before the courts, a statistical analysis in 1987 of the courts' performance in 1986 provided some useful evidence of the effectiveness of the Individual Assignment System as a whole. For example, the change to IAS from the master calendar for felony case processing in the Criminal Term of the Supreme Courts in New York City in 1986 was associated with faster disposition times for pleas and verdicts, an increased disposition rate, increased numbers of jury and non-jury trials and judicial trial days, and a decreased average number of court appearances per disposition. The number of sentences increased; sentencing ranges remained essentially unchanged.

In the Civil Term of the Supreme Courts throughout the state, the number of cases (notes of issue) pending on trial calendars statewide at the end of 1986 was at its lowest level in five years. The number of cases pending on the trial calendars in excess of the Unified Court System's 15 month civil case disposition time standard also decreased in 1986. Both within and outside New York City, Civil Term trial calendar dispositions exceeded trial calendar filings by a wide margin. However, 120,736 cases were pending at the end of 1986 (153,966 on October 9, 1987, the end of Term 10) in the Supreme Courts statewide in the *pre-note of issue* stage of processing. This large inventory of not yet trial-ready civil cases reflects the heavy burden of civil intake being experienced by the Supreme Courts since the inception of the Individual Assignment System (about 16,000 new cases per term statewide).

A special IAS review committee appointed by the Chief Judge and the Chief Administrative Judge concluded in February 1987 that the Individual Assignment System is a viable method of processing felony and civil cases in the Supreme and County Courts. They also noted that most of the commentary received from the bench, bar and public on the system expressed positive views on the operation of the courts under the IAS. The review committee also made recommendations to deal with issues, particularly in the processing of civil cases, that have arisen under the IAS. These recommendations allow for adjustments in the way the IAS functions to account for local practices and special circumstances.

1.4.2 New Court Facilities Legislation

In 1987, the Legislature enacted a comprehensive program designed to meet the state's court facilities renewal needs. For many years, even before state assumption of the operating costs of the courts, a major problem facing the Court System in New York has been inadequate, substandard, and, in some cases, deplorable courthouse facilites. While the state assumed the cost of operating county and city-level courts in 1977, the responsibility for providing and maintaining court facilites remained with local governments. Although some municipalities have met that obligation adequately, most have not. The result has been the deterioration of existing facilities and a failure to construct vitally needed new physical capacity to house the vastly increased workload facing our courts.

The Court Facilities renewal legislation, Chapter 825 of the Laws of 1987, was based on a proposal developed by the Unified Court System to address this crisis. It reaffirms the principle that the provision and maintenance of adequate court facilities remains a responsibility of local government. It also provides technical and financial assistance to help local governments meet those needs.

The law requires local governments to develop, within a two year period, capital plans for court facilities renewal. These plans must be submitted to a Capital Plan Review Board, whose members represent the Judiciary, the Executive and both houses of the Legislature. Once a locality's plan is approved, financial aid is available in the form of a subsidy on interest costs incurred by the local government pursuant to the financing of capital improvements contained in the approved plan. This subsidy ranges from 25 percent to 33 percent, depending on the locality's relative taxing capacity. Retroactive aid for localities that financed court facilities improvements after July 1, 1977 but before enactment of the bill is also available.

To promote better maintenance of courtrooms and buildings, a second aid program was established in the law. This program will reimburse local governments for a portion of the operations and maintenance costs associated with court facilites. The subsidy ranges from 10 percent to 25 percent, based on each local government's relative taxing capacity.

To assist local governments in planning, constructing and financing court facilities improvements, the law also empowers the State Dormitory Authority to construct and/or finance any improvement included in an approved capital plan. Use of the Authority is optional, and does not affect a locality's eligibility for interest cost subsidies or maintenance and operations aid. The law also allows for "combined occupancy structures," which are buildings devoted to court-and non-court-related governmental functions.

Chapter 825 also strengthened the mechanism already contained in Section 39 of the Judiciary Law for dealing with any local government that continues to fail to meet its responsibility to provide adequate court facilities.

In summary, the planning requirements, subsidy provisions and financing and construction assistance provisions of this law provide the necessary frame in which the vitally needed work of court facilities renewal can proceed.

1.4.3 Civil Transfer Plan

The Civil Transfer Plan, which has as its objective the reduction of civil case backlogs, is being maintained at the level of 10 parts, all located in New York City. This plan equates to 110 additional judge terms of court. Judicial resources for coverage of the additional terms are provided through the transfer of justices and judges from Districts 3 through 10 and the Court of Claims.

1.4.4 Judicial Hearing Officers

Chapter 840 of the Laws of 1983 allowed for the creation of the Judicial Hearing Officer Program, providing for the utilization of qualified retired judges and justices as hearing officers in civil and criminal matters pursuant to designation by the Chief Administrative Judge. The program operates in each Judicial district.

Statewide, retired judges and justices have been utilized for civil matters such as matrimonial issues, accounting proceedings, discovery, certiorari, equitable distribution, medical malpractice panels, preconferencing arbitration cases and, in criminal cases, hearings on pre-trial motions. Their work in these areas has allowed for the devotion of full-time judicial resources to trial work, thus allowing for the most efficient utilization of judicial personnel.

1.4.5 Family Court Hearing Examiner Program

Chapter 809 of the Laws of 1985 significantly changed the operation and scope of the Family Court Hearing Examiner Program. Effective Nov. 1, 1985, the new law authorized the Chief Administrative Judge to establish separate support parts in each Family Court. It requires the use of Family Court Hearing Examiners in New York City and all counties with a population of over 400,000 and in counties of under 400,000 that have not received an exemption from the Federal Government. The use of hearing examiners is part of an expedited process that is mandated under Federal Law. In order to receive Federal reimbursement for child support cases, all matters must be resolved within the following time frames (from filing to disposition): (1) 90 percent within 3 months; (2) 98 percent within 6 months and (3) 100 percent within 1 year. Family Court Hearing Examiners "hear and determine" matters related to child support and paternity, as opposed to the previous "hear and recommend."

This mandated program has effectively expedited child support payments and has proportionately relieved Family Court judges of that burden, allowing them to devote more time to the many other categories of sensitive and difficult cases in the Family Court. At the end of 1986, the Family Courts complied with the 98 percent six-month disposition requirement on a statewide basis.

1.4.6 Community Dispute Resolution Centers Program

Established pursuant to Chapter 847 of the Laws of 1981, this program provides financial and operational support to locally operated neighborhood centers for the resolution of minor disputes, including many that now clog the courts of limited jurisdiction and contribute to delays and backlogs in the court system. Chapter 156 of the Laws of 1984 made the Community Dispute Resolution Centers Program a permanent component of the Unified Court System. Chapter 91 of the Laws of 1985 increased the monetary ceiling to $1,500 on awards that may be rendered by mediation centers under contract with the program. On August 1, 1986, Chapter 837 of the Laws of 1986 was signed into law, allowing the referral of selected felonies to dispute resolution. Both of these most recent changes will increase the number of referrals to the centers.

Chapter 281 of the Laws of 1987 changed the formula by which dispute resolution center program funding is calculated. Approved programs are now eligible for a basic grant of $20,000, with matching funds available for approved amounts exceeding that level.

Programs currently operate in 58 counties, with three more to be phased in by March 31, 1988. It is expected that the last of the state's 62 counties, Hamilton County, will be phased in later in 1988.

There is a variety of program models based on the workload volume for each county. In less populated areas, volunteer citizen mediators are available through coordination from a regional office. In urban areas a fully staffed dispute resolution center is in place.

1.4.7 Information and Records Management in the Trial Courts

The creation and management of information and records is one of the principal activities performed in the trial courts of the Unified Court System in support of administration and the case disposition process. The performance of information and records management functions is the primary job of about half of the nonjudicial staff of the trial courts. These functions include, but are not limited to, the review of case initiation papers and the opening of case files; case indexing, docketing and scheduling; the production of court calendars; case inquiry; the processing of case-related notices, orders, applications and motions; the collection of fees, fines, bail and other costs; the transmission of case records from place to place in courthouses; the processing of records on appeal; the storage and retrieval of case records and exhibits; the creation of reports on caseload activity and the status of case inventories; the production and processing of juror qualification questionnaires and summonses; the maintenance of juror service records; the payment of jurors; the reporting of criminal case disposition information to the Executive Branch; text-editing; the processing of mail; budget and fiscal administration, personnel records management and information services; and law library administration.

The Unified Court System utilizes computer technology to meet information and records management requirements in appropriate settings. Manual systems or techniques can also offer executive approaches to information and records management for particular sites or functions. The emphasis is on the development of efficient processes.

In this regard, a major statewide project to develop standard operations manuals for all trial courts began in 1986 and will continue for several years. The contents of each manual will be applied uniformly statewide. Each manual will contain the following: (1) within one of three general approaches manually, electronically via microcomputer system, or electronically via mainframe computer system the approved procedures for the performance of all information and records management functions, (2) the records that are permissible for each type of court to create; (3) the form and contents of each record; (4) retention schedules and disposition methodologies for all records series, and (5) educational material on laws, rules, and other matters related to the operations and procedures at issue.

The information and records management functions of the trial courts cannot be performed with efficiency, quality, and cost-effectiveness unless resources for these functions are properly allocated and organized. To this end, a Staffing Profiles Project was initiated to develop standards for personnel resource allocation for the performance of information and records management functions. The project began with a statewide survey of court clerks and provides descriptions of present information and records management functional methodologies and staffing allocations in the Supreme and County Courts, Family Courts, and City and District Courts. During phase one, undertaken during 1985-86, profile studies were completed in nine upstate courts. In the project's second phase, standards for the allocation of back-office resources were developed, and back-office organization charts and "activity tables" describing personnel distribution by back-office task were compiled for 11 additional upstate courts. Staffing profiles data collection also occurred in the New York City Supreme, Family, Civil and Criminal Courts.

Information and records management advisory committees of court clerks guide the development and implementation of particular projects within the information and records management program. A committee is in place for each type of court, and every judicial district is represented on each committee. The specialized New York City courts of limited jurisdiction also are represented.

1.4.7.1 Centralized Court Computer Systems

For the performance of information management functions in its high-volume courts and district and central administrative offices, the Unified Court System maintains centralized on-line applications supported by National Advanced Systems 8053 and AS-XL50 mainframe processors and six Data General minicomputers operating from the Unified Court System's dual-site Albany Data Processing Center. Through the end of fiscal 1987-88, these systems supported the operation of over 1,400 remote devices and the execution of more than 250,000 remote transactions daily in the trial courts and administrative offices of every judicial district.

These numbers demonstrate the critical role of centralized computer systems in the ability of the Unified Court System's high-volume trial courts and administrative offices to process their daily caseloads and manage operations. The critical nature of this role provided the rationale for the development of a second production site for the Albany Data Processing Center during fiscal 1987-88. This site provides enhanced ability to handle the processing tasks currently presented within the centralized network as well as "disaster recovery" capability for the Unified Court System.

Jury Management System. The Jury Management System is fully implemented in all 62 counties. Its primary functions include juror qualification summoning, central jury room processing, juror payroll processing, juror service history maintenance, and statistical report production. Potential jurors are selected from the voter registration lists received by the individual counties, a list of licensed drivers obtained from the New York State Department of Motor Vehicles, and taxpayer mailing lists obtained from the New York State Department of Taxation and Finance. Juror qualification questionnaires are mailed from these lists which result in a qualified pool of jurors for summoning. The system also supports advanced telephone call-in and centralized standard juror qualification questionnaire mailing.

Caseload Activity Reporting System. Every judicial district shares the centrally stored (Albany) database of this on-line system, which provides reports on caseload activity and the status of case inventories in all trial courts of the Unified Court System except the New York City Criminal

Court and New York Civil Court, which operate their own systems. The system satisfies trial court caseload activity reporting requirements pursuant to Part 115 of the Rules of the Chief Administrator of the Courts (22 NYCRR 115). Programs for specialized reports are written with statistical analysis software by the Office of Court Administration at the request of court administrators.

1.4.7.2 Office Automation Systems

After pilot testing in the Seventh Judicial District, the Unified Court System began in 1983 to install microcomputer technology to support the performance of information and records management functions in the many intermediate and low-volume courts throughout New York State. The chart below shows the number of sites with operational systems at the end of fiscal 1987-88.

Microcomputer Systems in Trial Court in New York State Unified Court System

Court Type	*End of FY 87-88*
Supreme Civil Term	42
County Criminal Term	47
Family	47
City and District	48
Surrogate's	27
Total	211

Among the current installations are 55 two-workstation and multi-user microcomputer networks. In addition, 10 multi-user networks of more than two workstations are currently operating at relatively higher-volume sites in an effort to explore the limits of the microcomputer technology's processing and data storage capabilities.

As with the central computer installations, the microcomputer systems also provide processing support for administration and operations research centrally and in judicial district offices and large trial courts. Among the major applications are budget development and finance administration, equal employment opportunity analysis, personnel administration and resource allocation, equipment inventory control, text-editing, storage and retrieval of jury changes, juror utilization, juror qualification (a pilot test is underway of machine-readable juror qualification questionnaire responses used in conjunction with microcomputers), and arrest-to-arraignment processing in the New York City Criminal Court.

1.4.8 Jury Management

A program to achieve the greatest possible efficiencies in the utilization of jurors has been underway in the Unified Court System since 1982. During the first year, three counties were selected as pilot sites for the collection and analysis of data on juror utilization. By 1986, the program operated in 17 counties representing 87 percent of statewide jury trial activity. As of January 1987, all counties were participating in the program.

Two principal utilization measures are emphasized. The first is "overcall," defined as the percentage of jurors in service (paid) but not in use in voir dire or trial at the point of peak daily juror usage. The second is "percent to voir dire," defined as the percentage of prospective jurors in service (paid) reporting to the pool who are sent to voir dire. The data from the program show that in 1986, an average of 91 percent of all jurors reporting for service each day were examined as prospective jurors (used in voir dire), a sharp inprovement from the level of 73 percent in 1983. Annual savings in juror fees and per diem expenses under this program since 1983 have totaled over $2 million.

1.4.9 Law Library and Legal Reference Network

The provision of basic legal research capability is essential if the Judiciary is to meet its principal mandates of fair and timely disposition of cases. Over the past several fiscal years, substantial cost increases in the legal reference publishing industry have eroded the ability of the courts and libraries to maintain even basic collections.

Several administrative policies and programs have been implemented to improve conditions within the legal reference system. These include installation of microcomputers in various Supreme Court Law Libraries to serve as inventory and fiscal control tools, negotiation of bulk purchase and special billing arrangements with legal reference publishers, and redistribution of legal reference resources to avoid unnecessary purchasing.

1.4.10 Employee Training Programs

Strong support is being given to continue development of the comprehensive training program for nonjudicial employees. Proper education and training of employees is critical to any successful organization. Under this program, all employees are required to take certain mandatory courses depending on their job function and additional optional courses as available. Phase One courses implemented in 1987-88 included office skills, supervisory training, legal update, IAS courtroom team and secretarial management. A "mission and organization" orientation course also was designed for all nonjudicial employees.

Table 1
NEW YORK STATE JUDICIAL SYSTEM
Authorized Number of Judges
December 31, 1987

Number of Judges	*Court*
7	Court of Appeals
47[a]	Supreme Court, Appellate Divisions
269[b]	Supreme Court, Trial Parts
35	Supreme Court, Certified Retired Justices
17	Court of Claims
38	Court of Claims - 15 judges appointed pursuant to Chapter 603, Laws of 1973, Emergency Dangerous Drug Control Program, as amended by Chapters 500, 501, Laws of 1982; and 23 appointed pursuant to Chapter 906, Laws of 1986;
32	Surrogates' Courts -including 6 Surrogates in the City of New York
67	County Courts -County Judges outside the City of New York, in counties that have separate Surrogates and Family Court Judges
11	County Courts - County Judges who are also Surrogates
7	County Courts - County Judges who are also Family Court Judges
33	County Courts - County Judges who are also Surrogates and Family Court Judges
116[c]	Family Courts - including 42 Family Court Judges in the City of New York
107	Criminal Court of the City of New York
120[d]	Civil Court of the City of New York
49	District Courts - in Nassau and Suffolk Counties
155	City Courts in the 61 Cities outside the City of New York - including Acting and Part-time Judges
1,110	Total
2,327	Total and Village Justice Courts

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[a] In addition to the 24 Supreme Court Justices permanently authorized, 21 Justices and 2 Certificated Retired Justices were temporarily designated to the Appellate Division.

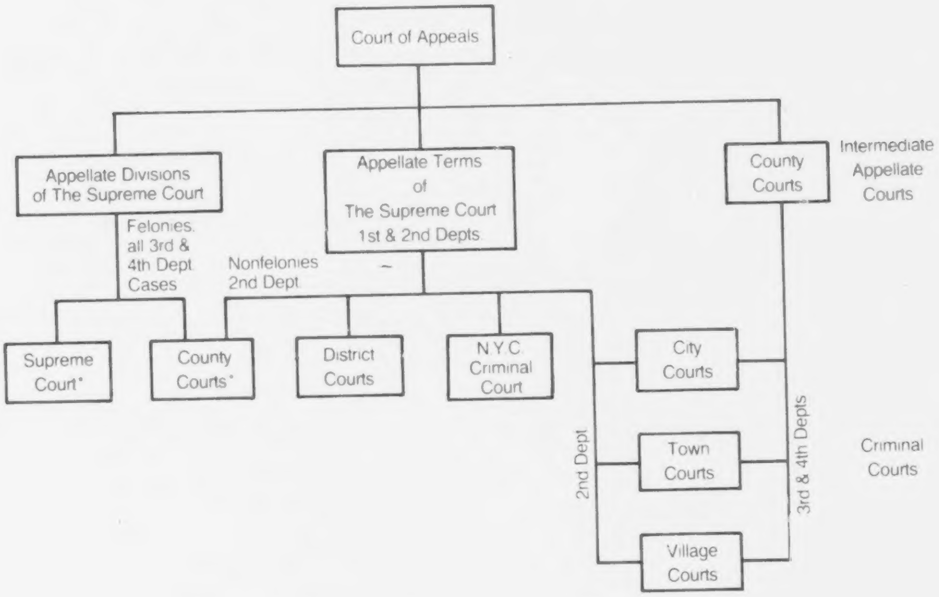
[b] Does not include judges of other courts, especially the Civil and the Criminal Courts of the City of New York, who sat as Acting Supreme Court Justices during the year.

[c] Does not include the additional Family Court Judgeships for Dutchess County authorized by Chapter 318 of the Laws of 1987, which will first be filled effective January 1, 1989.

[d] Does not include the additional 11 Civil Court Judgeships authorized by the 1982 Session Laws, Chapter 500, but still not filled.

Figure 1a

NEW YORK STATE JUDICIAL SYSTEM
Criminal Appeals Structure

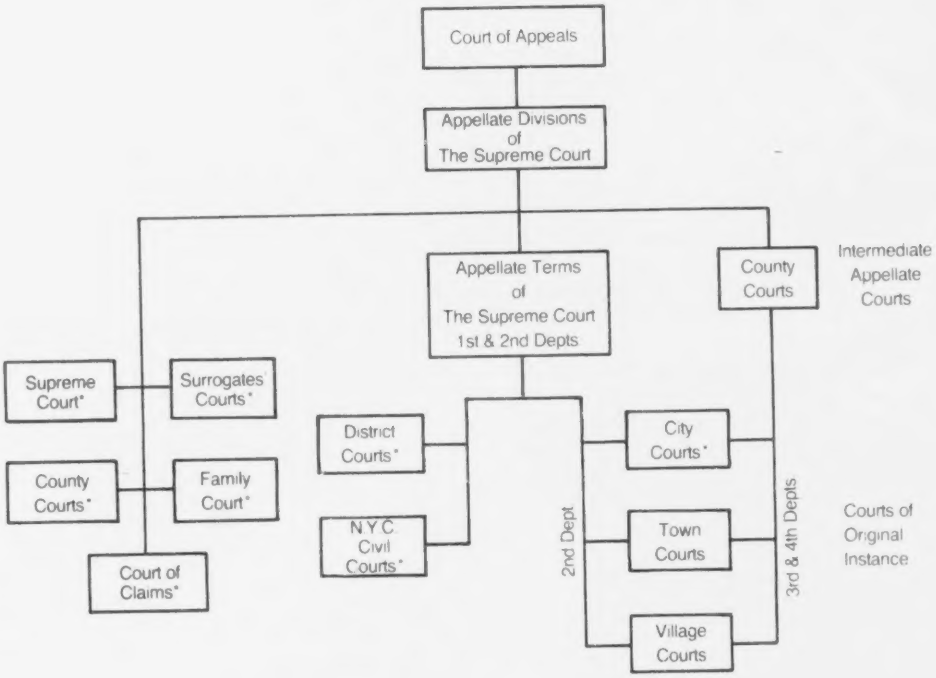


Court of Appeals
Appellate Divisions of The Supreme Court
Appellate Terms of The Supreme Court 1st & 2nd Depts.
County Courts
Intermediate Appellate Courts
Felonies, all 3rd & 4th Dept. Cases
Nonfelonies 2nd Dept.
Supreme Court*
County Courts*
District Courts
N.Y.C. Criminal Court
City Courts
Town Courts
Village Courts
2nd Dept
3rd & 4th Depts
Criminal Courts

* Appeals involving death sentences must be taken directly to the Court of Appeals.

Figure 1b

NEW YORK STATE JUDICIAL SYSTEM
Civil Appeals Structure

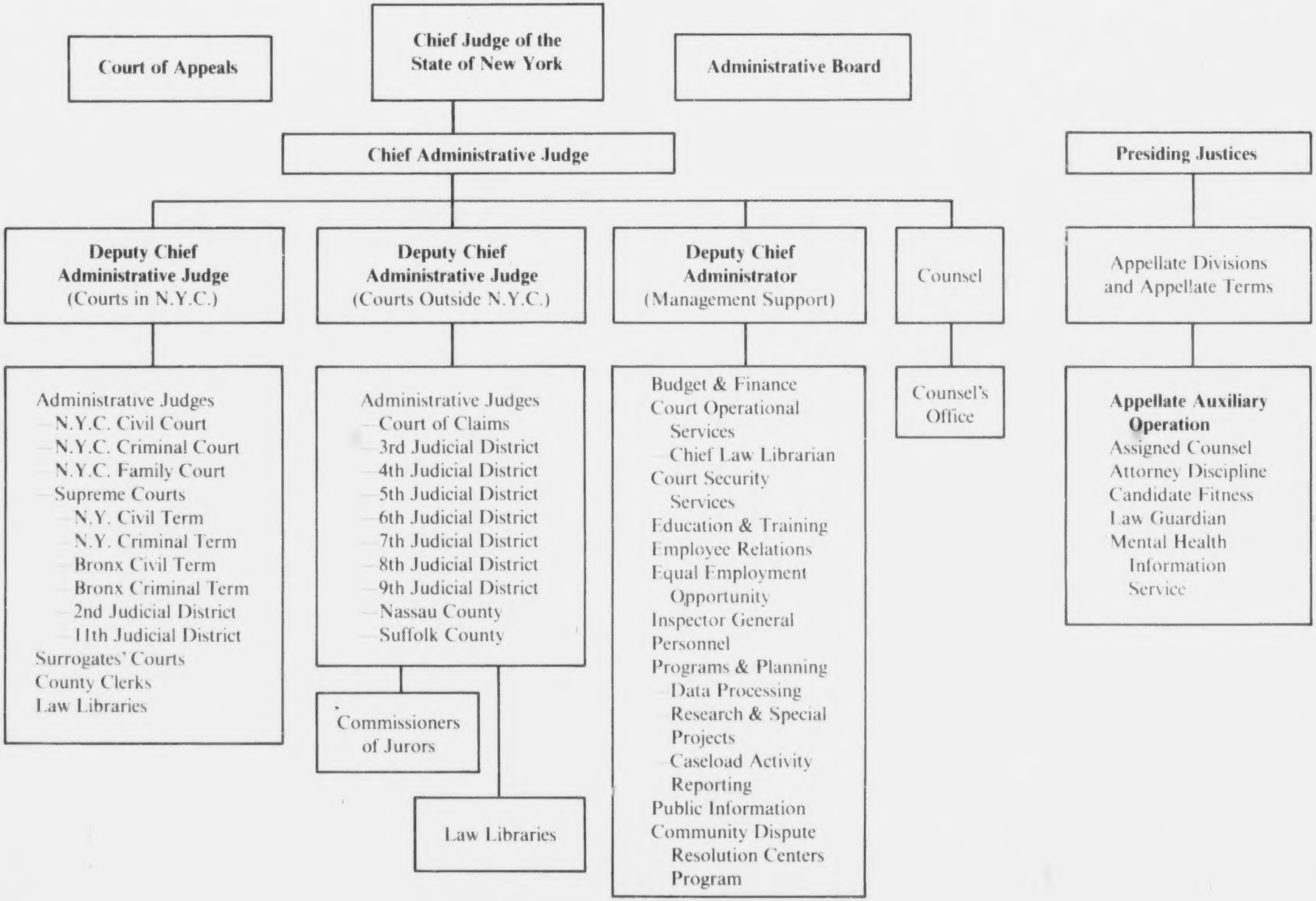


Court of Appeals
Appellate Divisions of The Supreme Court
Appellate Terms of The Supreme Court 1st & 2nd Depts.
County Courts
Intermediate Appellate Courts
Supreme Court*
Surrogates Courts*
County Courts*
Family Court*
Court of Claims*
District Courts*
N.Y.C. Civil Courts*
City Courts*
Town Courts
Village Courts
2nd Dept
3rd & 4th Depts
Courts of Original Instance

* Appeals from judgements of courts of record of original instance that finally determine actions where the only question involved is the validity of a statutory provision under the New York State or United States Constitution may be taken directly to the Court of Appeals. Only some of the City Courts are courts of record.

Figure 2

UNIFIED COURT SYSTEM
Administrative Structure


Court of Appeals
Chief Judge of the State of New York
Administrative Board
Chief Administrative Judge
Presiding Justices
Deputy Chief Administrative Judge (Courts in N.Y.C.)
Deputy Chief Administrative Judge (Courts Outside N.Y.C.)
Deputy Chief Administrator (Management Support)
Counsel
Appellate Divisions and Appellate Terms
Administrative Judges
—N.Y.C. Civil Court
—N.Y.C. Criminal Court
—N.Y.C. Family Court
—Supreme Courts
—N.Y. Civil Term
—N.Y. Criminal Term
—Bronx Civil Term
—Bronx Criminal Term
—2nd Judicial District
—11th Judicial District
Surrogates' Courts
County Clerks
Law Libraries
Administrative Judges
—Court of Claims
—3rd Judicial District
—4th Judicial District
—5th Judicial District
—6th Judicial District
—7th Judicial District
—8th Judicial District
—9th Judicial District
—Nassau County
—Suffolk County
Commissioners of Jurors
Law Libraries
Budget & Finance
Court Operational Services
—Chief Law Librarian
Court Security Services
Education & Training
Employee Relations
Equal Employment Opportunity
Inspector General
Personnel
Programs & Planning
—Data Processing
—Research & Special Projects
—Caseload Activity Reporting
Public Information
Community Dispute Resolution Centers Program
Counsel's Office
Appellate Auxiliary Operation
Assigned Counsel
Attorney Discipline
Candidate Fitness
Law Guardian
Mental Health Information Service

Chapter 2

Caseload Activity Report

2.1 Introduction

There were 3,608,266 filings in the trial courts of the Unified Court System in 1987[1,2]. These included 896,000 parking tickets[3]; of the 2,712,266 remaining cases, 41% (1,113,752) were filed in criminal courts, 38% (1,022,101) in civil courts, 16% (439,130) in the Family Courts, and 5% (121,197) in the Surrogates' Courts.

Dispostions in the trial courts during 1987 totaled 3,543,544. Excluding parking tickets, there were 2,647,544 dispositions as follows: criminal courts — 41%, civil courts — 36%, Family Courts — 16%, Surrogates' Courts — 7%.

Table 2 shows a breakdown of filings and dispositions in the trial courts by type of court.

2.2 Criminal Cases

Criminal cases are processed in the trial courts as follows: Felony indictments and superior court informations are processed in the Criminal Term of the Supreme Court in New York City and in the County Courts outside of New York City. In several counties outside of New York City, a portion of the felony caseload is processed in the Supreme Court as well. The courts of limited jurisdiction — Criminal Court of the City of New York; District Courts of Nassau and Suffolk; and City, Town, and Village Courts outside of New York City — have original jurisdiction over felonies and complete jurisdiction over misdemeanors, violations, and infractions.

1. *Criminal Term of Supreme and County Courts*

Filings: Statewide, 62,940 felony cases were filed in Supreme and County Courts during 1987.[4] This level of filings was an increase of 12% from the 56,356 filings in 1986. Sixty-three percent (41,664) of the 1987 filings occurred in New York City.

Table 3 shows a breakdown of 1987 filings by judicial district.

Table 4 focuses on individual counties, ranking the seventeen counties with 400 or more felony-case filings. These seventeen counties accounted for 90% of all filings. New York County had the highest volume, with 13,485 filings. Kings, Bronx, and Queens followed.

Dispositions: Statewide, 62,630 cases reached disposition (guilty plea, trial verdict, dismissal, or other) in 1987, a thirteen percent increase from the 55,497 dispositions in 1986. Sixty-six percent (41,085) of the statewide dispositions were in New York City.

Table 3 shows 1987 dispositions by judicial district.

Table 4 shows that seventeen counties with over 400 dispositions accounted for 90% of all felony-case dispositions. Twelve counties with over 40 trials accounted for 90% of felony trials commenced statewide in 1987. Of the total of 5,096 felony trials commenced, 4,230 (83%) were jury trials.

Figure 3 shows felony-case dispositions by type. There were 51,611 guilty pleas (82%), 5,328 dismissals (9%), 4,632 trial verdicts (7%), and 1,059 other dispositions (2%).

Criminal Courts of Limited Jurisdiction

Criminal Court of the City of New York: There were 324,597 arrest case dockets filed in the Criminal Court of the City of New York in 1987. There were 306,183 dispositions in this period. These figures were increases of 8% in filings and 11% in dispositions compared with 1986.

Of the dispositions, 46% were by guilty plea, 32% by dismissal, 15% by referral to grand jury or transfers to Supreme Court for waiver of indictment, four-tenths of 1% by verdict, and 7% other dispositions.

There were 102,183 summonses added to the calendar. (In addition, 170,258 summonses were filed to which defendants did not respond.) There were 99,816 dispositions.

City and District Courts outside New York City: Criminal case intake in the City Courts and the Nassau and Suffolk District Courts was 230,400 in 1987. The courts reported 214,858 dispositions. Of the dispositions, 56% were by guilty plea, 33% by dismissal, 6% by referral to grand jury, 2% by trial verdict, and 3% by other means.

There were 254,606 noncriminal (violations and infractions) Uniform Traffic Tickets disposed by judges in these courts. In addition, the clerks' office disposed of 142,500 tickets. These consisted primarily of fines paid (by personal appearance and mail) and bail forfeitures. In cities without Parking Violations Bureaus, the City and District Courts process parking tickets. There were 896,000 dispositions.

Figure 4 shows criminal caseload activity in the courts of limited jurisdiction.

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[1] All data in this chapter are from the Caseload Activity Reporting System of the Unified Court System. Courts report data to the Office of Court Administration pursuant to the Rules of the Chief Administrator of the Courts (22 NYCRR 115).

[2] Parking ticket caseload activity was measured for the first time in 1985.

[3] Excludes Town and Village Courts. An estimated additional 2.5 million matters were filed and disposed in these courts in 1987 (data not yet available).

[4] "Cases" are a count of "defendant-indictments," i.e., each defendant on each indictment counts as one case.

Table 2
FILINGS AND DISPOSITIONS IN THE TRIAL COURTS
1987

Court	*Filings*	*Dispositions*
CRIMINAL:		
Supreme and County Courts	62,940	62,630
Criminal Court of the City of New York:		
Arrest Cases	324,597	306,183
Summonses	102,183	91,916
City and District Courts outside New York City:		
Arrest Cases	230,400	214,858
Uniform Traffic Tickets	397,106[a]	397,106
Parking Tickets	896,000[a]	896,000
CRIMINAL SUBTOTAL	2,013,226	1,976,693
CIVIL		
Supreme Courts:		
Requests for Judicial Intervention	180,110	127,824
Ex Parte Applications	112,879	112,879
Uncontested Matrimonial Cases	59,566	55,868
Civil Court of the City of New York:		
Civil Actions	37,317	32,874[b]
Civil Actions - Default Judgments	133,811[c]	133,811
Small Claims	55,724	57,447
Landlord/Tenant Summary Proceedings	145,594	145,309
Landlord/Tenant Summary Proceedings — Default Judgments	66,498[c]	66,498
Landlord/Tenant Actions and Special Proceedings	13,356	12,958
City and District Courts outside New York City:		
Civil Actions and Landlord/Tenant Cases	83,182	64,618
Civil Actions and Landlord/Tenant Cases — Default Judgments	74,175[c]	74,175
Small Claims	51,436	51,118
County Courts	3,710	4,120
Court of Claims	2,072	2,090
Arbitration Program	12,473[d]	12,274
Small Claims Assessment Review Program	2,810	2,478
CIVIL SUBTOTAL	1,034,713	956,341
FAMILY	439,130	430,797
SURROGATES	121,197	179,713
TOTAL	3,608,266	3,543,544

[a] The disposition figure is used as intake.

[b] Does not include dispositions in the Arbitration Program.

[c] The disposition figure is used as intake. This is the number of cases filed in which there was no answer, but in which a default judgment was entered. These cases were not calendared.

[d] Shown here for reference only and not included in totals. Recorded as intake in the civil courts listed immediately above.

[e] Surrogate's Court dispositions include orders signed, decrees signed, and letters issued.

Table 3
DEFENDANT—INDICTMENTS FILED AND DISPOSED AND TRIALS COMMENCED
By Judicial District
1987

Judicial District	*Filings*	*Dispositions*	*Trials Commenced*
New York City:			
1st	13,485	13,739	1,052
2nd	10,888	10,368	1,004
11th	8,492	8,601	851
12th	8,799	8,377	639
Subtotal	(41,664)	(41,085)	(3,546)
Outside New York City:			
3rd	1,507	1,389	124
4th	1,253	1,251	76
5th	2,343	2,423	136
6th	1,383	1,458	94
7th	2,716	2,713	284
8th	2,997	3,179	316
9th	3,406	3,259	200
10th-Nassau	2,551	2,710	205
10th-Suffolk	3,120	3,163	115
Subtotal	(21,276)	(21,545)	(1,550)
Statewide Total	62,940	62,630	5,096

Table 4
DEFENDANT—INDICTMENTS FILED AND DISPOSED AND TRIALS COMMENCED
Top Counties By Volume[a]
1987

	County	*Filings*	*County*	*Dispostions*	*County*	*Trials Commenced*
	New York	13,485	New York	13,739	New York	1,052
	Kings	10,331	Kings	9,777	Kings	967
	Bronx	8,779	Queens	8,601	Queens	851
Top	Queens	8,492	Bronx	8,377	Bronx	639
Ten	Suffolk	3,120	Suffolk	3,163	Erie	218
	Nassau	2,551	Nassau	2,710	Monroe	210
	Westchester	1,910	Erie	1,920	Nassau	205
	Erie	1,694	Westchester	1,760	Westchester	142
	Monroe	1,574	Monroe	1,532	Suffolk	115
	Onondaga	1,165	Onondaga	1,269	Onondaga	87
	Subtotal	53,121	Subtotal	52,848	Subtotal	4,486
	(84% of statewide 1987 filings)		(84% of statewide 1987 dispositions)		(88% of statewide 1987 trials commenced)	
	Oneida	593	Richmond	591	Albany	58
	Orange	584	Oneida	573	Niagara	44
	Richmond	557	Orange	534		
	Albany	546	Albany	514		
	Niagara	482	Broome	478		
	Broome	463	Rockland	416		
	Rockland	402	Niagara	402		
	Total	56,748	Total	56,356	Total	4,588
	(90% of statewide 1987 filings)		(90% of statewide 1987 dispositions)		(90% of statewide 1987 trials commenced)	

[a] 400 or more filings or dispositions, 40 or more trials

Figure 3
FELONY DISPOSITIONS
By Type Of Dispositions
1987

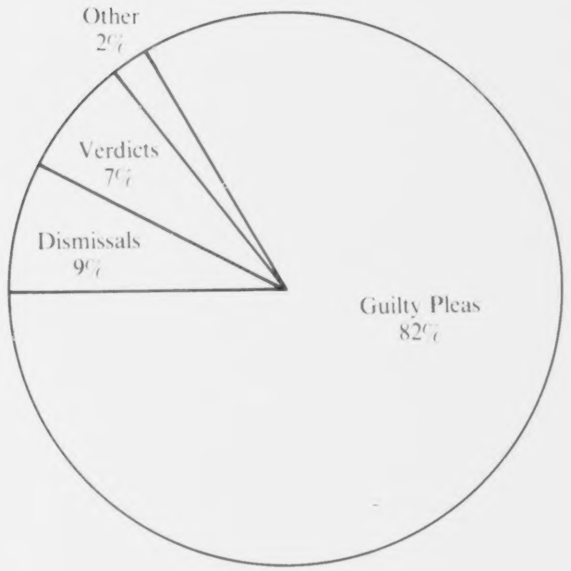

Figure 4

CRIMINAL CASES IN TRIAL COURTS OF LIMITED JURISDICTION

1987

Criminal Court of the City of New York

Arrest Cases	
Intake	324,597
Dispositions	306,183

Summonses	
Intake	102,183
Dispositions	99,916

City and District Courts Outside New York City

Criminal Cases	
Intake	230,400
Dispositions	214,858

Traffic Cases[a]	
Dispositions	397,106

Parking Cases[a]	
Dispositions	896,000

[a] Intake is not shown because many tickets were filed that did not result in response by the recipients. For the purpose of calculating statewide caseload activity totals, the disposition figure is used as intake

2.3 Civil Cases

Civil cases are processed in the trial courts as follows: The Supreme Court hears the cases involving damages claimed above the financial limits of the courts of limited jurisdiction and also hears matrimonial, tax certiorari, condemnation, and other specialized cases. The courts of limited jurisdiction are the Civil Court of the City of New York; District Courts of Nassau and Suffolk; County Courts; and Town and Village Courts outside New York City. These courts hear cases involving damages claimed of $25,000 or less, as well as landlord/tenant, housing code enforcement, and other matters, including cases transferred from Supreme Court pursuant to CPLR Section 325(d). The jurisdictional limit of the City and District Courts outside of New York City is $15,000; the County Courts hear cases involving damages to a maximum of $25,000. Thirty-one counties operate a mandatory Arbitration Program for cases involving $6,000 or less.

The Court of Claims, which is a "specialized" (not a "limited") jurisdiction court, hears civil cases involving claims against the State of New York.

Civil Term of Supreme Court

Filings: Statewide, 180,110 new civil cases were filed in 1987 (not including uncontested matrimonial cases).[6]

Additions to the civil trial calendars (notes of issue) totaled 59,050 in 1987. Table 5 shows a breakdown by judicial district.

Table 6 shows counties with 500 or more note of issue filings. The seventeen counties in this category accounted for 90% of all new filings. Nassau ranked first with 9,221. New York, Kings, Suffolk, and Queens followed.

Figure 5 shows statewide note of issue filings in Supreme Court by case type. Tort cases, including medical malpractice, accounted for 58%. Fifteen percent of filings were contested matrimonials. Contract cases accounted for 10%; 8% were tax certiorari cases.

Dispositions: Statewide, there were 127,824 dispositions in 1987 (not including uncontested matrimonial cases).[7]

Table 5 shows dispositions by judicial district.

As shown in Table 6, the nineteen counties with more than 500 note of issue dispositions accounted for 92% of trial calendar (note of issue) dispositions statewide. Nassau showed the highest volume of dispositions, followed by New York and Kings.

Table 5 shows that 12,220 civil-case trials were commenced in 1987. There were 5,375 jury trials (44%) and 6,845 nonjury trials (56%).

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[6] There were also 59,566 uncontested matrimonial cases filed in the Supreme Court in 1987.

[7] There were an additional 55,868 uncontested matrimonial cases disposed in the Supreme Court in 1987.

Table 5

CIVIL CASES FILED AND DISPOSED AND TRIALS COMMENCED IN SUPREME COURTS[a]

By Judicial District

1987

Judicial District	*Filings*	*Dispositions*	*Trials Commenced*
New York City:			
1st	28,384	21,091	1,582
2nd	28,749	14,728	1,884
11th	22,184	8,323	1,031
12th	9,634	5,775	361
Subtotal	(88,951)	(49,917)	(4,858)
Outside New York City:			
3rd	8,203	6,529	756
4th	5,893	4,891	338
5th	6,851	5,990	1,040
6th	5,018	4,961	270
7th	6,768	6,015	440
8th	10,592	8,662	470
9th	16,793	15,867	1,311
10th-Nassau	17,730	14,590	1,587
10th-Suffolk	13,311	10,402	1,150
Subtotal	(91,159)	(77,907)	(7,362)
Statewide Total	180,110	127,824	12,220

[a] Excludes uncontested matrimonial cases

Table 6

NOTES OF ISSUE FILED AND DISPOSED AND TRIALS COMMENCED IN SUPREME COURTS[a]

Top Counties By Volume[b]

1987

	County	*Filings*	*County*	*Dispositions*	*County*	*Trials Commenced*
	Nassau	9,221	Nassau	9,256	Kings	1,743
	New York	7,526	New York	7,950	Nassau	1,587
	Kings	7,290	Kings	7,867	New York	1,582
Top	Suffolk	4,806	Queens	5,621	Suffolk	1,150
Ten	Bronx	3,823	Suffolk	5,597	Queens	1,031
	Queens	3,703	Bronx	3,851	Westchester	796
	Westchester	3,570	Westchester	3,565	Onondaga	515
	Erie	2,910	Erie	3,290	Bronx	361
	Monroe	1,888	Monroe	1,870	Albany	425
	Rockland	1,374	Onondaga	1,332	Erie	340
	Subtotal	46,111	Subtotal	50,199	Subtotal	9,530
	(78% of statewide 1987 filings)		(79% of statewide 1987 dispositions)		(78% of statewide 1987 trials commenced)	
	Orange	1,392	Orange	1,503	Oneida	340
	Onondaga	1,264	Albany	1,395	Oneida	277
	Albany	1,128	Rockland	1,052	Orange	241
	Richmond	1,053	Rockland	956	Rockland	171
	Dutchess	832	Oneida	766	Richmond	141
	Oneida	817	Dutchess	746	Ulster	134
	Niagara	555	Schenectady	539		
			Niagara	529		
			Ulster	524		
	Total	53,152	Total	58,209	Total	10,834
	(90% of statewide 1987 filings)		(92% of statewide 1987 dispositions)		(89% of statewide 1987 trials commenced)	

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[a] Excludes uncontested matrimonial cases

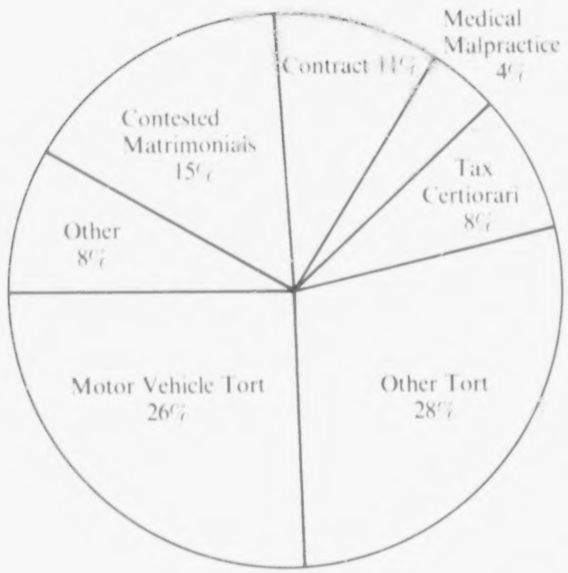
[b] 500 or more filings or dispositions, 100 or more trials

Figure 5

NOTES OF ISSUE FILED IN SUPREME COURT

By Case Type[a]

1987



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[a] Excludes uncontested matrimonial cases

Civil Courts of Limited Jurisdiction

Civil Court of the City of New York: In 1987, there were 252,475 civil-action summonses filed. Of that number 37,317 were added to the civil-action calendar. There were 32,874 calendared dispositions. In addition, 133,811 default judgments were entered. (The balance of 85,790 were settled out of court or discontinued before being added to the calendar; they are not counted in intake or disposition totals for the court.) Another 7,211 cases were removed from civil-action calendars for processing in the Arbitration Programs.

A total of 55,724 small claims were filed in 1987. There were 57,447 dispositions.

For landlord/tenant calendars, 336,191 notices of petition were issued in summary proceedings. There were 145,594 summary proceedings added to the calendar and 145,309 disposed. Of the cases not answered, 66,498 default judgments were entered. (The remainder of 124,384 were settled out of court or discontinued before being added to the calendar; they are not counted in intake or disposition totals.)

Other landlord/tenant actions and proceedings consisted primarily of housing code enforcement matters. There were 13,356 additions to the calendar and 12,958 dispositions.

City and District Courts Outside New York City: In 1987, 83,182 civil cases and landlord/tenant cases were added to the calendar. There were 64,618 dispositions of calendared cases in this category, excluding transfers to the Arbitration Program. There were 3,826 transfers to the Arbitration Program. In addition, 74,175 default judgments were entered in the clerks' offices.

There were 51,436 small claims cases filed and 51,118 disposed.

County Courts: New cases filed in 1987 totaled 3,710. There were 4,120 disposed in 1987.

Court of Claims: Intake totaled 2,072 in 1987. There were 2,090 dispositions.

Arbitration Program: Thirty-one counties operate a mandatory Arbitration Program for cases involving damages claimed of $6,000 or less. Statewide, 12,473 cases were received for arbitration in 1987. There were 12,274 dispositions in 1987, with 1,607 demands for trial *de novo*, a rate of 13%.

See Figure 6 for civil-case activity in the courts of limited jurisdiction. Table 7, following this figure, shows details of the Arbitration Program by county.

Figure 6

CIVIL CASES IN TRIAL COURTS OF LIMITED JURISDICTION

1987

Civil Court of the City of New York

Landlord/Tenant Cases	
Summary Procedings:	
Intake[a]	145,594
Dispositions	145,309
Other Actions and Proceedings:	
Intake	13,356
Dispositions	12,958

Civil Cases	
Intake[b]	37,317
Dispositions[c]	32,874

Small Claims	
Intake	55,724
Dispositions	57,447

City and District Courts Outside New York City

Civil Cases and Landlord/Tenant Cases	
Intake[d]	83,182
Dispositions[e]	64,618

Small Claims	
Intake	51,436
Dispositions	51,118

County Courts

Intake	3,710
Dispositions	4,120

Court of Claims

Intake	2,072
Dispositions	2,090

Aribitration Program

Intake	12,473
Dispositions	12,274

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[a] Default judgments were entered in the clerks' offices in an additional 66,498 actions.

[b] Default judgments were entered in the clerks' offices in an additional 133,811 actions.

[c] Does not include 7,211 referrals to Arbitration Program.

[d] Default judgments were entered in the clerks' offices in an additional 74,172 actions.

[e] Does not include 3,826 referrals to Arbitration Program.

Table 7
INTAKE, DISPOSITIONS, AND TRIALS *DE NOVO* IN ARBITRATION PROGRAM
1987

County	*Intake*	*Dispositions*	*Demands for Trial de Novo*	*De Novo Rate*
1st Judicial District:				
New York	3,258	3,458	539	16%
2nd Judicial District:				
Kings	1,749	1,627	279	17%
3rd Judicial District:				
Albany	77	61	3	5%
Rensselaer	16	11	5	45%
Ulster	42	47	1	2%
4th Judicial District:				
Schenectady	62	75	4	5%
5th Judicial District:				
Oneida	51	61	2	3%
Onondaga	264	264	30	11%
6th Judicial District:				
Broome	98	89	12	13%
Chemung	5	6	0	-0-
Schuyler	4	4	0	-0-
Tompkins	33	35	4	11%
7th Judicial District:				
Cayuga	12	12	2	17%
Livingston	10	11	0	-0-
Monroe	681	652	60	9%
Ontario	29	35	0	-0-
Seneca	10	12	0	-0-
Steuben	10	18	2	11%
Wayne	12	15	2	13%
Yates	5	3	3	100%
8th Judicial District:				
Erie	408	388	11	3%
Niagara	103	109	11	10%
9th Judicial District:				
Dutchess	63	70	0	-0-
Orange	60	59	0	-0-
Putnam	20	21	0	-0-
Rockland	49	49	0	-0-
Westchester	243	258	27	10%
10th Judicial District:				
Nassau	1,654	1,645	34	2%
Suffolk	1,241	1,124	220	20%
11th Judicial District:				
Queens	1,549	1,517	292	19%
12th Judicial District:				
Bronx	655	538	64	12%
Statewide Total	12,473	12,274	1,607	13%

Small Claims Assessment Review Program

New York State law provides that owners of a one-, two-, or three-family owner-occupied residence can appeal their real property assessments. When an individual is not satisfied with the outcome of an appeal to the local Board of Assessment Review, he or she may file a petition for hearing in Supreme Court.

In 1987, there were 2,810 filed and 2,478 dispositions. Table 8 shows data for each judicial district.

Table 8
SMALL CLAIMS ASSESSMENT REVIEW FILINGS AND DISPOSITIONS BY JUDICIAL DISTRICT
1987

Judicial District	*Filings*	*Dispositions*
New York City:		
1st	2	5
2nd	26	28
11th	7	13
12th	5	5
Subtotal	(40)	(51)
Outside New York City:		
3rd	395	395
4th	283	281
5th	221	217
6th	111	111
7th	116	110
8th	368	368
9th	343	330
10th	933	615
Subtotal	(2,770)	(2,427)
Statewide Total	2,810	2,478

2.4 Family Court

The Family Courts reported 439,130 petitions filed in 1987. Of these petitions, 133,222 (30%) were reported in New York City. The remaining 305,908 (70%) were reported outside of New York City. Thirty-six percent of the statewide filings were supplementary to original petitions.[8]

There were 430,797 petitions disposed in 1987. The total in New York City was 133,258 (31%); outside of New York City, the total was 297,539 (69%).

A breakdown of filings and dispositions is contained in Table 9.

New York State law requires the Chief Administrator of the Courts to report to the State Legislature highly detailed data regarding the nature and outcome of petitions for juvenile delinquency, persons in need of supervision, child protective proceedings, and family offense proceedings. The data are in Appendix 2.

2.5 Surrogates' Courts

In 1987, there were 121,197 petitions filed. Surrogates' Court dispositions in 1987 totaled 179,713 including orders signed, decrees signed, and letters issued. See Table 10.

2.6 Appellate Courts

Tables 11, 12, 13, and 14 show 1987 caseload activity in the appellate courts.

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[8] Supplementary petitions allege violations of the original order or are applications for modifications to the original order.

Table 9
PETITIONS FILED AND DISPOSED IN FAMILY COURT STATEWIDE
By Type of Petition
1987

Type of Petition	*Filings*	*Dispositions*[a]
Permanent Neglect	2,148	2,159
Child Protective (Neglect and Abuse)	25,385	24,709
Juvenile Delinquency	12,363	13,294
Designated Felony	600	671
Persons in Need of Supervision	7,885	9,180
Adoption	3,814	3,224
Guardianship	534	462
Supreme Court Referral	371	616
Custody of Minors	39,868	38,909
Foster Care Review	3,051	3,214
Approval of Foster Care Placement	3,733	3,985
Physically Handicapped	32,686	32,835
Mental Defective	23	576
Family Offense	47,879	46,511
Paternity	38,460	44,839
Support	43,741	50,911
Uniform Support of Dependents Law	18,082	19,345
Consent to Marry	113	212
Other	1,389	1,484
Supplementary	157,005	133,661
Total	439,130	430,797

[a] Petition type may change between filing and disposition.

Table 10
CASELOAD ACTIVITY IN SURROGATES' COURTS STATEWIDE
1987

Number of Proceedings By Case Type	Petitions Filed	Citations (Returnable)	Motions Ord. To Show Cause Filed	Guard Ad Litem Appt'd.	Answers Objections Filed	Bonds Filed	Bonds Dispensed with	Trial Notes of Issue Filed	Orders Signed	Decrees Signed	Letters Issued	Misc.
Probate	41,001	10,962	761	3,080	631	976	10,523	113	15,101	37,790	41,375	9,606
Administration	14,895	1,674	133	198	140	3,291	5,244	18	2,790	11,070	13,013	2,279
Accountings	6,766											
Informal Accts	(7,804)	5,335	435	1,581	671	84	1,578	42	3,771	5,826		40,700
Miscellaneous	6,659	1,762	1,154	358	230	189	367	41	5,561	1,740		1,675
Guardianship	14,070	1,574	102	463	38	104	2,779	1	7,447	7,110	7,202	873
Adoption	2,430	720	37	209	25			25	3,389		1,295	410
Estate Tax	15,012		124		10			14	15,233			2,997
Total	108,637	22,027	2,746	5,889	1,745	4,644	20,491	254	53,292	63,536	62,885	58,540

Surrogate and Law Department:	
Number of Hearings Commenced by Surrogate	8,173
Number of Trials Commenced by Surrogate	992
Number of Conferences and Hearings	44,569
Number of Conferences on Legal Matters Commenced by Chief Clerk and Deputy Chief Clerk	58,653
Number of Examinations Held	3,800
Number of Written Decisions	13,583
Number of Opinions and Memoranda Issued	10,262
Small Estates:	
Number of Affidavits Filed	12,560
Number of Answers Objections Filed	79
Number of Accountings Filed	3,336
Other:	
Number of Certificates Issued	514,010
Number of Annual Guardianship Accountings	12,886
Number of Wills Filed for Safekeeping	15,350
Number of Files Requisitioned	535,626
Number of Pages Certified	131,831
Number of Exemplifications	3,823
Number of Searches Completed	10,117
Number of Witnesses Examined by Clerk	5,865

Table 11
CASELOAD ACTIVITY IN THE COURT OF APPEALS
1987

Applications Decided (CPL 460.20 (3-b))	2,490
Records on Appeal Filed	409
Oral Arguments	286
Submissions	78
Motions Decided	1,454
Judicial Conduct Determinations Reviewed	5
Appeals Decided	369

Table 12
DISPOSITIONS OF APPEALS DECIDED IN THE COURT OF APPEALS
By Basis of Jurisdiction
1987

Basis of Jurisdiction	*Affirmed*	*Reversed*	*Modified*	*Dismissed*	*Other*	*Total*
All Cases:						
Reversal, Modification, Dissent in Appellate Division	14	9	3	5	0	31
Permission of Court of Appeals or Judge thereof	114	85	18	2	0	219
Permission of Appellate Division or Justice thereof	48	21	3	7	0	79
Constitutional Question	13	4	0	1	0	18
Stipulation for Judgment Absolute	0	0	1	0	0	1
Other	8	2	0	0	11	21
Total	197	121	25	15	11	369
Civil Cases:						
Reversal, Modification, Dissent in Appellate Division	14	9	3	5	0	31
Permission of Court of Appeals or Judge thereof	59	47	9	1	0	116
Permission of Appellate Division or Justice thereof	30	11	2	1	0	44
Constitutional Question	13	4	0	1	0	18
Stipulation for Judgment Absolute	0	0	1	0	0	1
Other	8	1	0	0	11	20
Total	124	72	15	8	11	230
Criminal Cases:						
Reversal, Modification, Dissent in Appellate Division	0	0	0	0	0	0
Permission of Court of Appeals or Judge thereof	55	38	9	1	0	103
Permission of Appellate Division or Justice thereof	18	10	1	6	0	35
Constitutional Question	0	0	0	0	0	0
Other	0	1	0	0	0	1
Total	73	49	10	7	0	139

Table 13
CASELOAD ACTIVITY IN THE APPELLATE DIVISIONS
1987

Activity	*First Department*	*Second Department*	*Third Department*	*Fourth Department*	*Total*
Records on Appeal Filed	2,814	3,769	1,343	1,279	9,205
Dispositions of Appeals: Disposed Before Argument or Submission (e.g. Dismissed, Withdrawn, Settled)	342	2,255	44	20	2,661
Disposed After Argument or Submission:					
Affirmed	2,404	3,455	1,080	940	7,879
Reversed	281	679	200	250	1,410
Modified	208	398	114	131	851
Dismissed	69	233	22	50	374
Other	87	99	20	11	217
Subtotal	3,049	4,864	1,436	1,382	10,731
Total Dispositions	3,391	7,119	1,480	1,402	13,392
Oral Arguments	1,219	1,851	807	1,044	4,921
Motions Decided	5,973	9,669	3,698	3,108	22,448
Admissions to Bar	2,007	2,485	1,063	394	5,949
Attorney Disciplinary Proceedings Decided	61	65	18	22	166

Table 14
CASELOAD ACTIVITY IN THE APPELLATE TERMS
1987

Activity	*First Department*	*Second Department*	*Total*
Records on Appeal Filed	620	1,588	2,208
Civil Court of the City of New York	481	429	910
Criminal Court of the City of New York	139	200	339
Courts in Cities Outside New York City	0	144	144
District Courts	0	458	458
County Courts	0	7	7
Village Justice Courts	0	350	350
Dispositions of Appeals:			
Disposed Before Argument or Submission (e.g., Dismissed, Withdrawn, Settled)	65	939	1,004
Disposed After Argument or Submission:			
Affirmed	263	300	563
Reversed	165	222	387
Modified	17	30	47
Other	5	0	5
Subtotal	533	596	1,129
TOTAL Dispositions	598	1,535	2,133
Oral Arguments	351	231	582
Motions Denied	1,728	2,614	4,342

2.7 Community Dispute Resolution Centers Program

Chapter 847 of the Laws of 1981 created the Community Dispute Resolution Centers Program. These centers have provided an alternative to court for the resolution of criminal and civil disputes.

Case intake in each center includes walk-in clients and referrals from courts and other agencies. Dispositions include cases conciliated without mediation, cases mediated, and cases arbitrated. Certain cases are determined to be inappropriate for mediation and are referred to other agencies.

In 1987, there were 101,851 cases received and 19,801 dispositions. Table 15 shows the breakdown of intake and dispositions for each center.[10]

[10] The program publishes an annual report with full details of caseload activity.

Table 15
COMMUNITY DISPUTE RESOLUTION CENTERS PROGRAM
Intake and Dispositions
1987

Program	*Intake*	*Dispositions* *Concili-ations*	*Medi-ations*	*Arbi-trations*	*Total**
Albany: Dispute Mediation Program	1,150	9	378	1	388
Allegany: Dispute Settlement Center	283	34	10	1	45
Broome: Inst. For Med. & Conflict Resolution	11,694	151	1,804	291	2,246
Broome: ACCORD	2,212	114	218	0	332
Cattaraugus: Dispute Settlement Center	1,104	94	34	5	133
Chautauqua: Dispute Settlement Center	1,442	129	170	6	305
Chemung: Neighborhood Justice Project	6,351	585	322	1	908
Clinton: Center For Confl. Resolution (New Pgm.)	75	0	5	2	7
Columbia: Common Ground	728	35	96	0	131
Cortland: RESOLVE	93	15	12	0	27
Delaware: Dispute Resolution Center	100	8	10	0	18
Dutchess: Comm. Dispute Resolution Center	418	48	371	0	419
Erie: Dispute Settlement Center	3,396	471	478	106	1,055
Essex: Center for Conflict Resolution (New Pgm.)	3	0	2	0	2
Franklin: Center for Conflict Resolution	70	12	15	0	27
Fulton: Center for Dispute Resolution	89	6	21	0	27
Genesee Dispute Settlement Center	277	13	19	4	36
Greene: Common Ground	40[illegible]	19	25	0	44
Herkimer: Comm. Dispute Resolution Center	1,464	162	62	0	224
Jefferson: Comm. Dispute Resolution Center	354	115	34	0	149
Kings: Victim Services Agency	10,666	179	3,222	0	3,401
Lewis: Comm. Mediation Service	37	9	3	0	12
Livingston: Center for Dispute Settlement	3,149	14	68	1	83
Madison: RESOLVE (New Pgm.)	N/A	N/A	N/A	N/A	N/A
Monroe: Center for Dispute Settlement	5,097	106	288	5	399
Montgomery: Center for Dispute Resolution	76	2	24	0	26
Nassau: Community Dispute Center	1,920	15	62	16	93
Nassau: Mediation Alternative Project	1,652	92	64	0	156
Niagara: Dispute Settlement Center	556	95	45	4	144
NY: Institute for Med. Conflict Resolution	8,432	170	1,836	300	2,306
NY: Wash. Heights Inwood Coalition	2,516	75	131	0	206
Oneida: Comm. Dispute Resolution Program	2,398	227	158	95	480
Onondaga: Resolve	1,274	197	91	0	288
Onondaga: Volunteer Center	2,156	53	191	0	244
Ontario: Center for Dispute Settlement	2,518	5	51	1	57
Orange: Mediation Project	1,889	60	167	0	227
Orleans Center for Dispute Settlement	49	2	1	1	4
Oswego: Resolve	165	39	29	0	68
Otsego: Agree	472	52	23	0	75
Putnam: Mediation Program	157	4	15	0	19
Queens: Victim Services Agency	4,842	151	1,739	0	1,890
Rensselaer: Comm. Dispute Settlement	272	63	45	0	108
Richmond: Dispute Resolution Center	5,226	298	363	0	661
Rockland: Volunteer Mediation Center	232	4	106	0	110
St. Lawrence: Center for Conflict Resolution	135	63	20	0	83
Saratoga: Dispute Settlement Program	147	27	68	7	102
Schenectady: Comm. Dispute Settlement	532	59	125	0	184
Schoharie: Center for Dispute Settlement	10	0	1	0	1
Schuyler: Neighborhood Justice Project	366	134	32	0	166
Seneca: Center for Dispute Settlement	1,071	0	40	0	40
Steuben: Neighborhood Justice Project	2,754	264	23	0	287
Suffolk: Comm. Mediation Center	2,771	104	450	0	554
Sullivan: Mediation Services	416	13	94	0	107
Tioga: ACCORD	966	71	104	0	175
Tompkins: Comm. Dispute Resolution Center	559	60	66	0	126
Ulster: Mediation Services	163	11	27	0	38
Wayne: Center for Dispute Settlement	1,910	29	44	4	77
Warren: Adirondack Mediation (New Pgm.)	41	0	17	0	17
Washington: Disp. Settlement Prog. (New Pgm.)	10	0	3	0	3
Westchester: Mediation Center	1,745	58	181	0	239
Wyoming: Dispute Settlement Center	131	7	8	0	15
Yates: Center for Dispute Settlement	670	1	4	2	7
Total	101,851	4,833	14,115	853	19,801

*Total includes conciliations, mediations and arbitrations.

2.8 Standards and Goals

Since 1975, Standards and Goals of the Chief Administrator of the Court have provided performance measures for the courts for elapsed time to disposition for felony cases in the Supreme and County Courts, civil cases in the Supreme Courts, and for proceedings in the Family Courts.[11]

Felony Cases: The applicable standard is disposition within six months from filing of indictment, excluding periods when a case is not within the active management control of the court (e.g., warrant outstanding).

During 1987, 83% of felony case dispositions statewide were achieved within the six-month standard.

Civil Cases: The standard is disposition within fifteen months from the filing of a note of issue. During 1987, 82% of note of issue dispositions statewide were achieved within this standard.

Family Court: The standard is case disposition within 180 days of the commencement of a proceeding, excluding periods when a case is not within the active management control of the court (e.g., warrant outstanding). During 1987, 99% of all dispositions were reached within the standard.

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[11] See "Standards and Goals," memorandum of the Chief Administrator of the Courts of 2/28/79, containing revisions approved by the Administrative Board of the Courts on 1/25/79 to the Standards and Goals adopted in 1975.

Chapter 3

Education and Training Programs

Since 1962, over 39,000 judges and justices of New York State have attended seminars and training programs conducted by the Office of Court Administration. In 1987, more than 3,000 judges and justices attended OCA sponsored judicial programs. In the area of nonjudicial training, more than 6,000 persons attended programs sponsored or financed by OCA in 1987.

3.1 Judicial Programs for State-Paid Judges

3.1.1 1987 Judicial Seminars

July 13 to 17, 1987
July 20 to 24, 1987
Rochester, New York

The 1987 summer judicial seminars were conducted at the Riverside Convention Center. Two similar week-long sessions were held for judges of all levels of State-paid trial courts. More than 900 judges attended.

3.1.1.1 Program and Activities

As in prior years, Curriculum Development Committees met to determine course content and to select faculty in six areas of subject matter: evidence; civil law and procedure; criminal law and procedure; family law and procedure; Surrogates' matters; and judicial skills. With the exception of five representatives from the academic world, the Committees were made up entirely of State-paid judges.

The Committees devised a program of courses which were offered during the sessions. At any one time, the attending judges could select from among any of the six to seven half-day courses conducted during each seminar period. The availability of options during each seminar period again proved to be one of the most attractive aspects of the sessions judges could select their own curricula during the week, tailored to their own interests and needs.

Another benefit of the sessions was that they provided an otherwise unavailable opportunity for judges of different jurisdictions to meet and share experiences and viewpoints.

The faculty for these seminars was again made up largely of judges from New York who accepted the task of developing their topics and planning their courses and presentations in addition to their normal judicial duties. Law professors, former judges, practicing lawyers, and professionals from other disciplines also added their talents to the faculty.

In addition to the twenty-four seminars conducted during the seminar periods, judges participated in additional educational opportunities each week:

> Judges visited the Attica and Albion Correctional Facilities.
>
> Other judges toured Industry School, a Division for Youth detention facility.
>
> Thirty to thirty-five judges were videotaped each week in mock courtroom situations and then met with a communications expert to review their judicial "style".
>
> Video tape playback of various courses presented earlier in the week.
>
> Judges were given the opportunity to attend the following evening presentations: Law and Literature, Small Claims, An Overview of Alternatives to Incarceration, Discussion of Suggested New Legislation and the Employee Benefit Programs.
>
> Judges were also given the opportunity to have their opinions critiqued by a noted expert on legal writing.

The Unified Court System again thanks the members of the faculty and the Curriculum Development Committees for their contributions to the Judicial Seminars.

3.1.1.2 Curriculum Development Committees

Civil Law and Procedure

Myriam J. Altman
Arthur E. Blyn
George L. Cobb
Matthew F. Coppola
George D. Covington
Martin Evans
Ira Gammerman
Milton Gershenson
James A. Gowan
Irving Kirschenbaum
J. Robert Lynch
William P. McCooe
John A. Monteleone
William J. Ostrowski
David D. Siegel
Martin B. Stecher
Jack Turret
Joseph D. Valentino
Matthew J. Vitanza
Robert E. White

Criminal Law and Procedure

Richard T. Andrias
Carol Berkman
Alan Broomer
Edward M. Davidowitz
Lewis L. Douglass
Walter T. Gorman
Thomas W. Higgins, Jr.
Michael R. Juviler

Theodore S. Kasler
Alan D. Marrus
Peter J. McQuillan
Patrick D. Monserrate
Peter Preiser
Ernst H. Rosenberger
Leonard H. Sandler
Hugh B. Scott
Leslie Crocker Snyder
Thomas M. Stark
Joseph P. Sullivan
Rena K. Uviller
Renee Allyn White

Evidence

David O. Boehm
Anthony R. Corso
William J. Davis
Dennis Edwards, Jr.
Harold L. Galloway
Kristin Booth Glen
Samuel L. Green
Edward J. Greenfield
Robert A. Harlem
Joseph Harris
Theodore A. Kelly
Lorraine S. Miller
Geoffrey O'Connell
Jan Plumadore
Jerome Prince
Stanley L. Sklar
Arthur D. Spatt

Family Law and Procedure

Authur J. Abrams
Michael A. Ambrosio
Gene L. Catena
Paul E. Cheeseman
Leon Deutsch
Ralph Diamond
Betty D. Friedlander
Jeffry H. Gallet
Charles F. Graney
Mary Ann Killeen
George D. Marlow
Kathryn McDonald
M. Holt Meyer
Claire T. Pierce
Karen K. Peters
Adrienne H. Scancarelli
Judith Blum Scheindlin
Charles L. Willis
Jane Zuckerman

Judicial Skills

Armand Araujo
Harold Baer, Jr.
John P. Collins
Dorothy A. Cropper
Theodore Dachenhausen, Jr.
Maxine K. Duberstein
Robert K. Duerr
Elrich A. Eastman
Harold Enten
Nat H. Hentel
Sybil Hart Kooper
Kenneth H. Lange
Burton B. Roberts
Harold J. Rothwax
Seymour Rotker
Marie G. Santagata
David B. Saxe
Andrew V. Siracuse
Richard W. Wallach
William A. Walsh, Jr.

Surrogate Matters

Joseph T. Arenson
John W. Bergin
Evans V. Brewster
William W. Cass, Jr.
Irving Goldman
Eugene M. Hanofee
Edward M. Horey
John M. Keane
Louis D. Laurino
C. Raymond Radigan
Bernard L. Reagan
Renee R. Roth
Joseph F. Traficanti, Jr.

3.1.1.3 Seminar Topics

Discussions with Justices of the Appellate Divisions
Child Witnesses
AIDS in the Justice System
The Scope and Operation of the Prudent Man Rule
Surviving Spouse's Right of Election
Criminal IAS — Criminal Plea and Case Management Skills
Civil IAS — Settlement Skills and Case Management Skills
Matrimonial IAS — Settlement Skills and Case Management Skills
Recent Development in Criminal Law
Courts, Juries and Jury Instructions — The Tort Reform Law in the Courtroom — Jury Charges and Special Verdicts
Equity; The Law/Equity distinction as it effects procedure, grounds and types of relief
Evidence in a Civil Trial — Update 1987
Evidence in a Criminal Trial — Update 1987
Medical/Expert/Evidentiary Issues Regarding Alcoholism Testing, Sexually Transmitted Diseases and Child Abuse Corroboration
Speed Reading and Comprehension Skills
Psychiatry and the Law
Winning Strategies Under the Tax Reform Act
Special Estate Planning Considerations for the Elderly and Disabled
Selected Topics in Criminal Law
Recent Developments in Civil Substantive Law and Procedure
Hearsay
Adoption and Surrogate Parenting
Listening, Notetaking and Recall
Victims and Witnesses
Estate Planning

Survey of Sales and Negotiable Instruments under the UCC
Damages, (Including Jury Instructions, General and Special Verdicts, Interrogatories, Apportionment, Liquidated, Punitive, and Compensatory Damages)
Roundtable Discussion of a Hypothetical Neglect Case as it Evolves over Time into a Permanent Neglect Situation
Opinion Writing
The Dead Man's statute — CPLR 4519
Zoning, Land Use, and SEQRA
Matrimonial Law: Update, 20 questions, TAXing Problems, Settle, Settle, Settle: The Hows and Whys from the Bar
Program on Selected Auxiliary Services in Family Court and Establishing Procedural Guidelines for Court Proceedings
Dealing with Disruptive Attorneys, Contempt of Court, The Trial of a Long and Sensational Case and Problems with Pro Se Litigants
Litigation in the Surrogate's Court: A Panel Discussion of 50 Surrogate's Law Related Questions
Judicial Conduct

3.1.1.4 Faculty

Honorable Morris Aarons
Gil Abramson, Esq.
Honorable Ronald Aiello
Honorable Fritz W. Alexander
Professor Robert M. Anderson
Honorable Richard T. Andrias
Professor Joseph T. Arenson
Michael Balboni, Esq.
Mr. Robert Baker
John Barnosky, Esq.
Honorable James D. Benson
Marc C. Blaustein, Esq.
Honorable Bernard M. Bloom
Edward P. Borrelli, Esq.
Honorable Lawrence J. Bracken
Mr. Eric Brettschneider
Daniel Calahan, M.D.
Paul Cambria, Esq.
Patrick Castelluccio, Esq.
Ms. Joan Christos
Honorable Carmen J. Cognetta
Honorable D. Bruce Crew III
Honorable William J. Davis
John Dee, Esq.
Honorable M. Dolores Denman
Honorable John H. Doerr
Honorable Lewis L. Douglass
Honorable John D. Doyle
Honorable Vincent E. Doyle
Sanford Dranoff, Esq.
Honorable Maxine K. Duberstein
Saul Edelstein, Esq.
Honorable Betty Weinberg Ellerin
Professor Richard T. Farrell
John Feinblatt, Esq.
Honorable Marjory D. Fields
James Fitzgerald, Esq.
Professor Kevin Fogarty
Honorable Jeffry H. Gallet
Ms. Judith Gallo
Ms. Brigid Gambella
Professor Mitchell M. Gans
Professor John Gariner
Professor Bernard Gegan
Barry Gingell, M.D.
Ronald Goldstock, Esq.
Honorable James Gowan
Charles Groppe, Esq.
Professor Marty Guggenheim
Honorable Raymond Harrington
Jody Hirschman, Esq.
Gilbert A. Holmes, Esq.
Diane Hope, Ph.D.
Ms. Pat Houlihan
Honorable Harold J. Hughes
Jerome Jensen, Esq.
Professor Cassondra E. Joseph
Stephen C. Joseph, M.D., M.P.H.
Professor Kenneth Joyce
Honorable George L. Jurow
Honorable Michael R. Juviler
Honorable Anthony Kane
Honorable Paul T. Kane
Steven Kartaganer, Esq.
Honorable John M. Keane
Susan Keiser, Esq.
Sidney Kess, Esq.
Read Kingsbury
Joan Kohour, Esq.
Christine Kopec, Esq.
Seymour Kuvin, M.D.
Honorable Marie M. Lambert
Honorable Irving Lang
Honorable Louis D. Laurino
Honorable Leon Lazer
Gerald Lefcourt, Esq.
Honorable Howard A. Levine
Allan Levy, M.D.
Maryjane Link
Honorable Richard Lowe, III
Bart Lubow, Esq.
Honorable Guy J. Mangano
Honorable George D. Marlow
Honorable Alan D. Marrus
Ms. Betsy Mayberry
Edward McCoyd, Esq.
Roger McFarlane, Esq.
Honorable Langston McKinney
Honorable Millard L. Midonick
Honorable Lorraine S. Miller
Patrick J. Monahan, Esq.
Honorable Patrick D. Monserrate
Honorable John A. Monteleone
Honorable Juanita B. Newton
Catherine H. O'Neill, Esq.
Honorable Karen K. Peters
Robert M. Pitler, Esq.
David Portman, A.I.C.P.
Keith Powell, M.D.
Professor Peter Preiser
D. Marie Provine, Esq.
Honorable C. Raymond Radigan
Douglas H. Reiniger, Esq.

Honorable Howard Relin
Susan Richardson
Kathy Riley
Honorable David S. Ritter
Ben Rosin, Esq.
Richard N. Ross
Donald Rosenbaum
Professor Emil Rossi
Pamela Rousseau
Honorable William R. Roy
Howard Rubenstein
Herbert Rubinstein
Deborah Saunders, M.D.
Honorable David B. Saxe
Honorable Adrienne Scancarelli
Sanford Schlesinger, Esq.
Mary J. Sclafani, Esq.
Honorable Hugh B. Scott
Honorable Beatrice Shainswit
Honorable Felice K. Shea
Honorable Judith B. Sheindlin
Professor Alan D. Sheinkman
Professor David Siegel
Honorable Stanley L. Sklar
Pat Slimmer
Honorable George Bundy Smith
Honorable Leslie Crocker Snyder
Honorable Arthur D. Spatt
Professor Jane M. Spinak
Honorable Thomas Stark
Honorable Joan Sudolnik
Honorable Joseph P. Sullivan
Honorable Melvyn Tanenbaum
Robert ten Bensel, M.D., M.P.H.
Honorable Rena K. Uviller
Jennifer L. Van Tuyl, Esq.
Honorable Matthew J. Vitanza
Honorable Richard D. Wallach
Robert Wayburn, Esq.
Professor Richard Weisberg
Richard Wexler
Honorable Renee A. White
William Williford, Ph.D.
Honorable Bonnie Wittner
Susan Wolf, Esq.
Honorable Ruth J. Zuckerman

IAS Workshop Leaders

Civil Program

Vincent R. Balletta, Jr.
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Arthur E. Blyn
David O. Boehm
Vincent G. Bradley
Wallace R. Cotton
Theodore Dachenhausen, Jr.
Ethel P. Danzig
Cosmo J. DiTucci
Robert F. Doran
Betty Weinberg Ellerin
Anthony J. Ferraro
Helen E. Freedman
Irving Fudeman
Ira Gammerman
Henry G. Gossel
Samuel Greenstein
Vincent Gurahian
Gerald S. Held
Lawrence Kahn
Gabriel M. Krausman
Alfred D. Lerner
Edward H. Lerner
Sidney Leviss
Howard E. Levitt
John S. Lockman
Dominic J. Lodato
J. Robert Lynch
Thomas E. Mercure
John A. Monteleone
Thomas J. Murphy
Stanley S. Ostrau
Stanley Parness
Wilmer J. Patlow
David S. Ritter
Barry J. Salman
Walter M. Schackman
Burton Sherman
Jacqueline W. Silberman
Norman Stiller
Harold Tompkins
Robert C. Williams
Norman J. Wolf, Jr.

Criminal Program

Pearle Appleman
Jeffrey M. Atlas
Edward A. Baker
Nicholas Colabella
John P. Collins
Peter E. Corning
Richard C. Delin
Vincent Doyle
Harold Enten
John M. Finnerty
Gloria Goldstein
Joseph G. Golia
Raymond Harrington
John R. King
Irving Lang
Ruth E. Moskowitz
John L. Murad
Burton B. Roberts
David S. Ritter
Peter P. Rosato
Harold J. Rothwax
Seymour Rotker
Marie G. Santagata
Gerald Sheindlin
Leslie C. Snyder
John G. Turner, Jr.
Francis J. Vogt
Rena K. Uviller

3.1.2 Special Orientation Seminar for New Judges of the Court of Claims

January 5 to 8, 1987

A special Orientation Program for Judges of the Court of Claims was held on January 5-8, 1987 in Manhattan. Twenty-two new judges attended this four day long program, which consisted of lectures on evidence, AIDS in the justice system, courts and the community on public perceptions, the trial judge's role, intercourt relations and administrative structure, the Bench Book for Trial Judges, civil procedure, judicial conduct, juror relations, the role of the court reporter, court clerk, and court officer and the New York State Employees' Retirement System, as well as a review of criminal law and procedure topics.

3.1.3 Orientation Seminar for New Judges

December 7 to 11, 1987

The annual Orientation Program for Newly-Elected and Newly-Appointed Judges was held on December 7-11, 1987 in Manhattan. Fifty-five new judges attended this week-long program, which consisted of lectures on evidence, AIDS in the justice system, courts and the community on public perceptions, the trial judge's role, charging the jury in a criminal case, pattern jury instructions, an introduction to equitable distribution, topics for local courts, intercourt relations and administrative structure, the right to counsel in a criminal case, suppression motions and hearings, the Bench Book for Trial Judges, the chronology of a criminal trial civil procedure, judicial conduct, presiding over criminal and civil IAS parts, the trial of a narcotics case, juror relations, a discussion of The Report of the New York Task Force on Women in the Courts, the role of the court reporter, court clerk, and court officer and the New York State Employees' Retirement System.

3.1.4. Seminar for Appellate Term Justices

December 3 and 4, 1987

The second annual education program for Appellate Term Justices in the State of New York was sponsored by the Office of Court Administration under the direction of Chief Judge Sol Wachtler, Chief Administrative Judge Albert M. Rosenblatt and Presiding Justices Francis T. Murphy and Milton Mollen of the Appellate Divisions, First and Second Department.

Justice Edwin Kassoff, Presiding Justice of the Appellate Term, Second and Eleventh Judicial Districts, was the seminar coordinator. This two-day continuing legal education program for the fifteen Appellate Term Justices in the State of New York had as its speakers, Presiding Justice Milton Mollen and Associate Justices Guy J. Mangano and James F. Niehoff of the Appellate Division, Second Department, U.S. District Court Judge George C. Pratt, Dean Patrick T. Rohan, St. John's Law School, and Attorneys Peter Gerstenzang and Erroll Brett.

3.1.5 Other Judicial Programs

In addition to the programs described above, various courts, districts, and judicial departments conducted educational sessions for their sitting judges and orientation programs for their new judges in 1987. Judicial associations, at their annual meetings, also provided substantial educational programs for their members.

3.2. Town and Village Justice Training Program

There are approximately 2300 Town and Village Justice positions in New York State. Because of vacancies and because some judges hold more than one position, approximately 2050 individuals hold the office of Town or Village Justice. Roughly eighty percent of these are not admitted to practice law in the State. New justices who are not attorneys are required to successfully complete a six-day basic certification course covering the fundamentals of law and their responsibilities as judges. The basic course was presented once each in Canton and Buffalo and twice each in Albany and Liverpool in 1987. A total of 191 judges attended.

Since 1984, all Town and Village Justices must attend an advanced continuing judicial education program each year. In addition to the attendance requirement, all non-lawyer Town and Village Justices must pass an examination at the program.

The advanced course consists of two days of instruction covering selected legal topics. The curriculum in 1987 included evidence, court decorum and demeanor, small claims and civil appeals, new legislation and recent case law.

In order to maintain the accessibility of the advanced course to the justices, programs were held in 30 locations around the state.

Nearly 115 judges, attorneys, and administrative personnel enlisted to act as faculty and to administer the schedule. Faculty were trained in two sessions conducted in Syracuse. Judges earned advanced certification for 2,020 judicial positions.

The Unified Court System is grateful to all of those who provided their time, energy and skill in successfully establishing and implementing this program, and particularly to the senior faculty members, the Honorable Eugene W. Salisbury, the Honorable Duncan S. MacAffer, and the Honorable John J. Elliott, for their efforts in training the faculty as well as for their continuing coordination of the basic course, and to County Court Judge Kenneth Lange for his assistance in the filming and editing of videotapes to supplement the presentations.

Thanks are also due to the following individuals for instructing at and administering the 1987 advanced courses.

Hon. Samuel C. Alessi
Anthony F. Aloi, Esq.
Daniel Angiolillo, Esq.
Hon. John J. Ark
Hon. Stephen D. Aronson
Hon. William Bacas
Ms. Allison Barnes
Hon. William C. Barrett
Hon. Sherwood L. Bestry
Vern Bonsignore, Esq.
Hon. Edward J. Boyd V
Ms. Carolyn Burke
Hon. William J. Burke
Hon. Helen Burnham

Paul J. Cambria, Esq.
Ms. Patricia A. Caravella
Hon. Samuel J. Castellino
Mr. John A. Caton
Hon. Luke M. Charde, Jr.
Hon. Lee Clary
Ms. Bonnie Coburn
Hon. William A. Danaher, Jr.
Arthur A. Darrigand, Esq.
Mr. John I. DeZalia
Biagio DiStefano, Esq.
Ms. Louise Dobozin
Hon. Edward P. Donnellan
Hon. Kevin Dowd
Hon. E. David Duncan
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3.3 Non-Judicial Training Programs

This year saw a healthy continuation of existing major nonjudicial programs and the introduction of several new initiatives. Every annual seminar set new records for attendance. A new train-the-trainers effort was commenced creating a cadre of in-house trainers. Also a series of legal seminars for Law Clerks was commenced in the New York City Metropolitan area.

Annual Seminars

The annual seminars have, as their target participant populations, the Chief Clerks and key deputies of the courts in every county. They are organized by court type. Commissioners of Jurors and Law Librarians also conduct annual seminars.

Law Librarians
Lake Luzerne, N.Y.
May 4-6, 1987

Under the leadership of the Chief Law Librarian this group of sixty-three law librarians statewide led off the annual nonjudicial seminars for 1987. Topics went from system-wide automation to long range planning and determining the most appropriate title for a collection.

A major session on computer software was conducted. The advantages of different softwares and how they were applied in different libraries throughout the system generated animated discussions and observations.

The impact of legislation to open up OCA law libraries to the public at large was discussed. The possibility of developing a staff procedures manual was another issue brought before the group. A list of sources for collection development was supplied.

The Commissioners of Jurors
Saratoga Springs, N.Y.
Sept. 9-11, 1987

Sixty-two Commissioners of Jurors or members of their staffs were present, along with a dozen representatives of various OCA units. Major legal topics in this year's seminar included recent trends in case law, pending legislation affecting jury operations, the development of uniform procedures to reduce non-compliance with jury summonses, the proposed court rules and procedures to be adopted when a court order mandates the expansion of a jury pool.

Data base management was another key area, with representatives of OCA data processing present for both discussions and demonstrations of software. Computer regionalization and the use of standard forms were important items on the agenda. The effects of the Individual -Assignment System on jury operations, developing trends in the trial courts and proposed changes to increase juror utilization were discussed.

Surrogate's Law Association
Lake Placid, N.Y.
May 27-29, 1987

This seminar is a legal issues seminar for staff attorneys working in the Surrogate courts. Sixty-four such court employees assembled for three days of discussion and illumination on legal issues. Several Surrogates, distinguished for leadership and scholarship in making decisions, made presentations on critical issues on which they had recently published opinions.

Supreme and County Court Clerks
Lake Placid, N.Y.
June 22-25, 1987

Several main agenda items dealt with the Individual Assignment System, or IAS.

This had followed a report to the group on the status of the New York State courts today. This report was made by a member of the Joint Committee on Judicial Administration.

Other topics included information and records management, an update on legislation affecting Supreme and County Courts, and the courts clerks procedures manual. A major session, with breakout groups, was held on computerization in the court system. One room was set up so that the seminar participants could work with and learn about computers. Matters relating to the Division of Criminal Justice Services, such as pre- and post-conviction proceedings, sealing of records, criminal history records and information sheets and their function were discussed. Lastly, a workshop was conducted to discuss the impact of the report of the Task Force on Women in the Courts.

Family Court Clerks
Syracuse, N.Y.
September 16-18, 1986

Eighty-seven representatives of the Family Courts, thirteen representatives of the Office of Management Support and a half dozen others from various State and Federal agencies attended this annual seminar.

In a panel discussion on Hearing Examiners, the successes, problems and changes in the Hearing Examiners' program were topics of great interest. Some of the panelists were court clerks, others were Hearing Examiners in the Family Courts. The Personnel Unit provided an update on all personal matters, the Employee Relations Office conducted a workshop on improving labor relations, and a good deal of time was spent on new legislation affecting the Family Courts.

The Budget and Finance Unit provided a briefing on what Family Court Clerks ought to look for in budget planning and execution and how to document current needs and justify future needs so that the Budget Office can work more closely with them. Programs and Planning concluded the annual seminar with a presentation on records management.

Clerks of City, Police and Traffic Courts
Lake George, N.Y.
September 21-23, 1986

The recently appointed Director of Education and Training made a presentation on the broad scope of training programs available to the clerks from her department. The Director of Programs and Planning followed with a report covering recent staffing studies in the City, Police and Traffic Courts, records retention and destruction and court automation.

A session was held on how the clerks might implement the recommendations made by a task force on the treatment of women in the courts was held. Study groups selected one of the areas of recommendations made by this report, examined it for meaning and then made recommendations for carrying out the report's conclusions in their own courts.

Representatives from the Department of Motor Vehicles and the T-SLED Program made presentations to the clerks on areas in which there seemed to be a need for greater understanding about regulations and procedures. The City Court Procedures Manual group reported on the progress the manual drafting group was making. Two topics were presented by Counsel's Office. One was the court reorganization amendment proposal and the other was recent legislation affecting the courts.

CPL, Fair Treatment Standards for Crime Victims, and hiring procedures were major topics towards the end of the program. One hundred nine court clerks, representing almost every city in the State, attended.

Chief Clerks of Surrogates' Courts
Lake Luzerne N.Y.
September 14-16, 1987

Sixty-three attended this annual seminar that started with workshops on three different topics. The topics were: Guardianship; Administrative Matters and Wrongful Death and Compromise. All of the workshops were conducted a second time so that every participant could attend two of the three offerings.

Plenary sessions were held on the new Uniform Court Rules and on new legislation. A guest speaker from the State Legislature made a presentation on new and pending legislation affecting Surrogate Court operations and procedures. A plenary discussion on the Uniform Rules and a question session on any and all matters affecting the Chief Clerks of Surrogates' Courts rounded out this annual seminar.

3.3.2 Non-Judicial Training Program

In 1987 the implementation of a major system-wide training initiative for non-judicial employees was successfully launched and enthusiastically received statewide. It began with a special seminar that included key managers statewide including Executive Assistants, Chief Clerks and OCA Directors.

Management Seminar
Hidden Valley Ranch, N.Y.
March 2, 3 & 4, 1987

At this productive management development session, these key personnel were encouraged to seek new perspectives and fresh ideas about their jobs. Through application exercises and group discussions on such issues as the theories and styles of leadership, decision making, the dynamics of change, ways of facilitating change, running effective meetings and the delegation process, the group focused in on effective executive management.

After this, an intensive effort to invest time and money in our most important resource, our employees, was begun.

Mission and Organization

An ambitious program was devised to train all non-judicial employees. Curriculum was developed to present system-wide a one-day course, Mission and Organization, in which the structure, function and workings of the various components of the Unified Court System is explained to personnel, showing them the breadth and scope of the UCS and how their particular function meshes with the whole. The afternoon session briefs the employee on all the rights, duties and privileges of being a member of the UCS whose mission is to deliver fair, courteous and timely judicial services to the public.

Train-The-Trainers

Mission & Organization
Syracuse, N.Y.
August 20, 1987

Outside New York City this course was delivered by staff members of the Education and Training Office to Executive Assistants and other Court personnel, who in turn will train all other judicial employees in their districts.

Train-The-Trainers

Mission & Organizations
Macy Conference Center
Briarcliff, N.Y.
October 29, 30 & 31, 1987

Thirty New York City employees representing a broad spectrum of employee titles were similarly trained.

By year's end approximately 5,000 employees had attended this informative session.

Better Office Skills and Supervision

Two consultants were engaged to provide training to a cadre of exceptional employees who were trained to deliver courses to designated employees in their districts.

Train-The-Trainers
Statewide Meeting
Albany, N.Y.
June 2, 1987

Train-The-Trainers

Better Office Skills & First Line Supervision
Office of Personnel Management
26 Federal Plaza
New York, N.Y.
Weeks of July 13 & 20, 1987

During the weeks of July 13 & 20, 1987, a group of 30 New York City employees were trained and certified to deliver two courses, Basic Office Skills and First Line Supervision, to groups of employees in New York City.

Train-The-Trainers

Working & First Line Supervision
Zenger Miller Inc.
Thayer Hotel
West Point, N.Y.
Weeks of August 10, 30 & September 14.

In three different sessions select groups totaling thirty-one employees from outside New York City were trained and certified to deliver two courses: Working and Frontline Leadership (comparable to the ones presented in NYC).

By year's end the target group of 750 employees outside New York City had almost completed these two three-day courses. In New York City, corresponding courses trained a similar target population.

Court Interpreting

An Intensive Court Interpreter Training Seminar was undertaken. It is believed to be the first comprehensive state program to train all full-time court interpreters. As of the end of the year, thirty-seven court interpreters had been graduated from this program. It is a fifteen-day comprehensive seminar which includes: Interpreter Technique, Court Procedure & Proceedings and Other Communication Skills Necessary for Legal Interpreting.

John Jay College of Criminal Justice
Fall 1987 — 5 days plus
10 consecutive Fridays

Pre-Retirement Seminar

Working with a consultant, an innovative Pre-Retirement workshop was developed and piloted. A considerable time before contemplated retirement, invitees participate in a one-day workshop in which retirement options are presented, discussed and considered. The development of leisure time interests, health and other benefits, change of location and legal preparation are discussed ina round table setting.

The Program is coordinated by a facilitator and supported by resource speakers from the New York State Retirement System, the Social Security Administration and members of our benefit staff. Each seminar is co-sponsored by the Unified Court System and its Employee Unions.

Court Security Service Supervisory Trainings

In order to assist with the development of the newly selected Associate and Principal Court Officers a consultant was retained to present a First-Line Supervisory Program in a security setting. A second phase of training will take place early in 1988 to train these supervisors in the techniques and evaluation.

Course Development

Curricula has been developed and is about to be delivered in the following areas:

Fiscal Management
Legal Update
Management for the Executive Secretary

Audio-Visual Department

A professional video department has been initiated and is in production. Tapes for the education of Town and Village Justices have been prepared for the inclusion inthe 1988 course material.

The department can tape, duplicate, edit and caption material. A tape library has been established which already includes the materials from the Rochester Seminars, July 1987 and the New Judges seminar, December 1987.

Plans have been approved and begun for a mock courtroom to be used in conjunction with our video capabilities for the training and development of all personnel.

Chapter 4

Legislation and Rule Revision

Legislation

The Office of Counsel is the principal representative of the Unified Court System in the legislative process. In this role, it is responsible for developing the Judiciary's legislative program and for providing the legislative and executive branches with analysis and recommendations concerning legislative measures that may have an impact on the courts and their administrative operations. It also serves a liaison function with bar association committees, judicial associations and other groups, public and private, with respect to changes in court-related statutory law.

Deputy Counsel staff the Chief Administrator's advisory committees on civil practice, criminal law and procedure and family law. These committees formulate legislative proposals in their respective areas of concern and expertise for submission to the Chief Administrator. When approved by the Chief Administrator, they are transmitted to the Legislature, in bill form, for sponsors and legislative consideration.

Each advisory committee also analyzes other legislative proposals during the legislative session. Recommendations are submitted to the Chief Administrator, who, through his Counsel, communicates with the Legislature and the Executive on such matters in the form of legislative memoranda and letters to Governor's Counsel.

Counsel's office also is responsible for drafting legislative measures required by the administrative office for the courts, including budget requests, adjustments in judicial compensation and measures to implement collective bargaining agreements negotiated with court employee unions pursuant to the Taylor Law. In addition, Counsel's Office analyzes other legislative measures that have potential impact on the administrative operation of the courts and makes recommendations to the Legislature and the Executive on such matters.

In the discharge of its legislation-related duties, Counsel's Office consults frequently with legislators, the professional staff of legislative committees and the Governor's Counsel for the purposes of generating support for the Judiciary's legislative program and providing technical assistance in the development of court-related proposals initiated by the executive and legislative branches.

During the 1987 legislative session, Counsel's Office, in conjunction with the advisory committees, prepared and submitted fifty-six measures for legislative consideration. These measures were introduced during the session and, ultimately, eleven were enacted into law. All of the remaining measures will be carried over for consideration during the 1988 legislative session. Also during the 1987 session, Counsel's Office furnished Counsel to the Governor with analyses and recommendations on 124 court-related measures awaiting executive action, while the Legislature was supplied with written legislative memoranda on 136 measures.

The following is a summary of the measures submitted for introduction in the Legislature in 1987 at the request of the Office of Court Administration.

Measures Enacted Into Law in 1987

Chapter 136 (Senate bill 4141-A). Amends Section 384-b of the Social Services Law to authorize a law guardian or guardian *ad litem*, on the court's direction, to originate a proceeding to terminate parental rights where an authorized agency fails to do so within the time fixed by the court. Eff. 6/15/87.

Chapter 180 (Senate bill 4165). Amends section 661 of the Family Court Act to grant family court the same jurisdiction and authority exercised by county court and surrogate's court over the guardianship of a minor. Eff. 6/29/87.

Chapter 222 (Senate bill 2928-A). Amends the Criminal Procedure Law to add a new section 240.43, which requires the prosecutor to notify the defendant before jury selection of all prior uncharged criminal, vicious or immoral conduct of the defendant that the prosecutor intends to use at trial. Eff. 11/1/87.

Chapter 263 (Assembly bill 8595). Amends the Judiciary Law to increase from $100 to $115 the daily reimbursement for travel expenses for judges and justices in travel status in New York City or counties having a population exceeding 700,000. Eff. 10/1/87.

Chapter 275 (Senate bill 1985). Amends section 1303 of the New York City Civil Court Act, the Uniform District Court Act and the Uniform City Court Act to clarify that the jury demand fee in each of the courts regulated thereby is $35.00. Eff. 2/20/87.

Chapter 276 (Senate bill 1988-A). Amends section 297 of the Judiciary Law to authorize the Chief Administrator of the Courts to extend the time period during which court reporters must preserve the original stenographic notes of a trial or hearing. Eff. 9/18/87.

Chapter 277 (Senate bill 2188). Amends section 11 of the Domestic Relations Law to permit Housing Judges of the New York City Civil Court to solemnize marriages. Eff. 7/20/87.

Chapter 281 (Senate bill 2543). Amends section 849-d of the Judiciary Law to change the funding mechanism for the Community Dispute Resolution Center Program to permit the annual award of a basic grant of up to $20,000 for each county served by a center together with an additional amount not exceeding 50% of the difference between the approved cost of the center and such basic grant. Eff. 4/1/87.

Chapter 317 (Senate bill 6104). Amends section 35 of the Judiciary Law and section 722-b of the County Law to provide that assigned counsel in an appellate court shall be paid forty dollars an hour for services rendered both in court and out of court. Eff. 7/20/87.

Chapter 825 (Assembly bill 5903-D). Establishes a comprehensive program for the improvement of court facilities in New York State providing for: (1) use of Dormitory Authority construction expertise and bonding power by local governments; (2) a State-aid Program to encourage construction of needed facilites and maintenance and upkeep of existing ones; and (3) an increase in court fees. Eff. 8/7/87 with court fee increase 11/5/87.

Chapter 856 (Senate bill 4161). Amends section 439 of the Family Court Act to clarify when and how objections must be made to an order of support made by a hearing examiner. Eff. 12/23/87.

Measures Carried Over to 1988

Senate 4113. This measure would grant permanent civil service status to certain current provisional employees of the Mental Hygience Legal Service in the First Judicial Department..

Senate 4112. This measure would amend section 47.01 of the Mental Hygiene Law to remove the mandate that all staff of the Mental Hygiene Legal Service, except its head, be classified in the competitive class of the civil service.

Senate 4320/Assembly 7620. This measure would amend the Constitution by adding a new section 21-a to Article VI to permit incumbent judges in elective positions in the major trial courts to seek reelection through uncontested retention election.

Senate 1986/Assembly 7768. This measure would amend section 212(1)(m) of the Judiciary Law to waive the requirement that the Chief Administrator seek approval of the finance and judiciary committees of the Legislature prior to accepting certain gifts made to the Unified Court System.

Senate 1984/Assembly 5993. This measure would amend section 25 of the Judiciary Law to extend to all state-paid full-time judges and justices of the Unified Court System the same special disability benefits now given only to certain Supreme Court Justices.

Senate 40/Assembly 6212. This measure would amend chapter 986 of the Laws of 1984 to exempt certain state-paid judges and justices from those provisions of the Retirement and Social Security Law that restrict the amount of the 1984 salary increase that may be included in final average salary for retirement purposes.

Senate 4114/Assembly 5994. This measure would amend section 35 of the Judiciary Law to provide that whenever the Supreme Court appoints a law guardian for a minor such counsel shall be compensated with State funds.

Assembly 6124. This measure would amend section 3104 of the CPLR to permit law clerks to judges to be designated as referees for the purpose of supervising disclosure.

Assembly 7706. This measure would amend rule 3405 of the CPLR to increase from $6,000 to $10,000 the jurisdictional maximum for civil actions subject to mandatory arbitration.

Senate 4842/Assembly 8127. This measure would amend CPLR to limit the appealability of interlocutory determinations, as of right, to the appellate division.

Senate 5134-A/Assembly 7695. This measure would amend the Domestic Relations Law and the Family Court Act to provide certain factors to be considered by a court prior to making a child custody award.

Assembly 6213. This measure would repeal section 516 of the Family Court Act thereby eliminating a requirement for court approval of agreements between mother and putative father for the support of an out-of-wedlock child.

Senate 2414-A/Assembly 7585. This measure would amend the Family Court Act to eliminate Family Court jurisdiction over educational services for certain children with handicapping conditions.

Assembly 7707. This measure would amend section 710.40(3) of the Criminal Procedure Law to allow a court to defer the hearing and determination of a motion to suppress identification testimony until after the trial has commenced.

Senate 4907/Assembly 7348. This measure would amend section 190.40 of the Criminal Procedure Law to clarify existing law by providing that a witness before a grand jury does not receive immunity by reason of giving identification evidence of a nontestimonial character that the witness would have no constitutional privilege to withhold.

Assembly 7708. This measure would amend section 240.40 of the Criminal Procedure Law to permit a court to require a defendant against whom a felony or misdemeanor complaint is pending to provide nontestimonial evidence.

Senate 4675/Assembly 6214. This measure would amend section 1229-c(6) of the Vehicle and Traffic Law to provide that a fine for violating the mandatory seat belt law provision relating to restraint of children under age 4 may be waived only where the court receives proof that a child seating system has been purchased or rented since the date of the violation.

Senate 4926/Assembly 8033. This measure would amend section 460.10(1)(a) of the Criminal Procedure Law to provide that an appeal from an order and sentence included in a judgment must be taken within 30 days after imposition of sentence.

Senate 4904/Assembly 7586. This measure would amend sections 530.12 and 530.13 of the Criminal Procedure Law to provide that an order of protection may be entered in conjunction with a youthful offender adjudication.

Assembly 7950. This measure would amend section 420.35 of the Criminal Procedure Law to clarify that mandatory surcharges need not be entered and docketed by the county clerk as civil money judgments.

Assembly 8139. This measure would add a new Article 205 to the Criminal Procedure Law to establish a procedure for amending an indictment, prior to retrial, to charge lesser included offenses of counts that have been disposed of under such circumstances as to preclude defendant's retrial thereon.

Senate 4791/Assembly 7864. This measure would amend section 450.20 of the Criminal Procedure Law to provide that the People may appeal as of right from an order entered before trial prohibiting the introduction of certain evidence or the calling of certain witnesses.

Assembly 5425. This measure would amend section 1.20 and Article 120 of the Criminal Procedure Law to establish a procedure for obtaining a warrant of arrest prior to the formal commencement of a criminal action.

Assembly 8154. This measure would add a new Article 695 to the Criminal Procedure Law, to establish statutory guidelines for the use of video electronic surveillance.

Assembly 8140. This measure would amend sections 100.40 and 170.65 of the Criminal Procedure Law to permit a misdemeanor complaint to be converted to an information based on the unsworn testimony of a child witness under certain circumstances.

Assembly 8141. This measure would amend section 270.30 of the Criminal Procedure Law to provide that alternate jurors may return to their homes and employment during jury deliberations.

Assembly 8142. This measure would amend the Criminal Procedure Law to permit an examination of a witness on commission to be videotaped.

Senate 4841/Assembly 7268. This measure would amend section 8001(a) of the CPLR to increase both the attendance fee and travel expenses for a person subpoenaed to testify in civil actions.

Senate 4182/Assembly 5920 and 8112. This measure would add a new Article 312-a to the CPLR to provide for personal service of process by mail.

Assembly 7713. This measure would amend CPLR section 308 to improve and clarify the procedure for completion and filing of service of process.

Assembly 7951. This measure would amend CPLR Article 31 to liberalize disclosure and provide greater statewide uniformity in disclosure proceedings.

Assembly 8120. This measure would amend sections 3041 and 3042 of the CPLR to curtail abuses which have arisen under the present law and generally to improve procedures governing the use of bills of particulars.

Assembly 6215. This measure would amend sections 8201, 8202, 8203 and 8204 of the CPLR to increase the amount of costs awardable in an action, on a motion and on appeal.

Assembly 8084. This measure would amend CPLR 4102(a) to provide that a party may not withdraw a demand for a trial by jury without the consent of other parties.

Assembly 8083. This measure would amend section 5519 of the CPLR to improve the provisions relating to a stay of enforcement pending appeal.

Assembly 6125-B. This measure would amend section 6313(a) of the CPLR to regularize the giving of notification to other parties upon application for a temporary restraining order.

Assembly 4459-A. This measure would amend section 210.20 of the Criminal Procedure Law to provide that, upon motion of the defendant, the court may reduce a count of an indictment upon the ground that the evidence before the grand jury was not legally sufficient to establish defendant's commission of the offense charged, but was legally sufficient to establish commission of a lesser included offense.

Assembly 7930-A. This measure would add a new Article 80 to the Criminal Procedure Law to expand the authority of judicial hearing officers under certain circumstances.

In addition to the foregoing, the Chief Administrator sent to the Legislature the following proposals that were not introduced in 1987, but for which sponsorship will be sought in 1988.

A measure to amend section 310.10 of the Criminal Procedure Law to authorize a court to permit a deliberating jury to separate temporarily, including overnight, weekends and holidays.

A measure to amend section 270.25 of the Criminal Procedure Law to reduce the number of peremptory challenges.

A measure to amend section 7804 of the CPLR to clarify the process preliminary to transfer of an Article 78 proceeding to the Appellate Division.

A measure to amend CPLR 308 to provide that a good faith effort to make service under subdivisions 2 or 4 and a showing that the defendant received actual notice will be sufficient to sustain service.

A measure to amend section 3117(a)(2) of the CPLR to clarify the use of depositions of employees.

A measure to amend section 7503(d) of the CPLR to direct that the trial of issues of fact arising on an application to compel or stay arbitration be conducted without a jury.

A measure to amend section 660.20 of the Criminal Procedure Law to allow conditional examinations of witnesses where there is a showing of an attempt to induce the witness to be absent or otherwise unavailable to testify.

Rule Revision

Numerous constitutional and statutory provisions require or authorize the Chief Judge and Chief Administrator to promulgate rules affecting the operation of the courts. Rules of the Chief Judge are promulgated after consultation with the Administrative Board of the Courts and with the approval of the Court of Appeals. Rules of the Chief Administrator of the Courts are promulgated as follows: administrative and trial court calendar rules, after consultation with the Administrative Board of the Courts; rules of judicial conduct, with the approval of the Court of Appeals; and trial court rules of practice and procedure, with the advice and consent of the Administrative Board of the Courts.

Rules of the Chief Judge

The following rules were adopted, amended or repealed by the Chief Judge during 1987:

Parts 11, 13, 14 and 18 of the Rules of the Chief Judge (22 NYCRR Parts 11, 13, 14, 18), relating respectively to the examination of jurors in criminal trials, the certificate of relief from disabilities and notification of eligibility, the defendant's criminal record and sheriff's jurors, were repealed, effective September 1, 1987. The subject matter of each of these rules is governed adequately by other provisions of statute or rule: CPL 270.15 governs the jury voir dire; section 200.9 of the Uniform Rules for Courts Exercising Criminal Jurisdiction (22 NYCRR 200.9) governs the certificate of relief from disabilities and notification of eligibility; several sections of the CPL relate to the right of the defendant to obtain a copy of the report of the defendant's previous criminal record prepared by New York State Division of Criminal Justice Services (*see* CPL 160.40, 530.20); and the Uniform Rules for the Jury System govern the selection of sheriff's jurors (22 NYCRR 128.16).

A new subdivision (i) of section 25.15 of the Career Service Rules of the Chief Judge (22 NYCRR 25.15 (i)) was adopted, effective May 28, 1987, to govern procedures relating to the appointment or promotion of employees to noncompetitive or exempt positions from permanent competitive positions. The new subdivision provides that a permanent competitive class employee who accepts an appointment or promotion to a noncompetitive or exempt class position, is eligible to be reinstated from a preferred list to the former competitive position for a period of four years after termination from the noncompetitive or exempt position.

Former section 29.3 of the Rules of the Chief Judge (22 NYCRR 29.3), relating to audio-visual coverage of judicial proceedings in the trial courts, was repealed, effective December 1, 1987, and a new section 29.3 was adopted, effective on the same date, relating to the same subject matter, which provides that audio-visual coverage of proceedings in the trial courts shall be permitted only in accordance with the provisions of Part 131 of the Rules of the Chief Administrator, which was adopted effective the same date (*see infra*).

Rules of the Chief Administrative Judge

The following rules were adopted, amended or repealed by the Chief Administrative Judge of the Courts during 1987:

Sections 102.0(b) and 102.2(a) of Part 102 of the Rules of the Chief Administrator (22 NYCRR 102.0 (b), 102.2(a)), relating to the reimbursement of traveling expenses in connection with the performance of judicial duties, were amended, effective October 1, 1987, to increase reimbursement with respect to certain traveling expenses.

Part 107 of the Rules of the Chief Administrator (22 NYCRR Part 107) was twice amended in 1987. First, effective April 1, 1987, a new section 107.11 was added to set forth the nonjudicial employees' salary schedule effective on that date, and second, effective July 28, 1987, Part 107 was revised to delete obsolete sections 107.0 through 107.8, and to renumber section 107.11 as 107.0.

Section 108.2 of the Rules of the Chief Administrator, relating to rates of payment for court transcripts, was amended, effective March 13, 1987, to clarify the applicability of the rule where persons or parties other than the unified court system are responsible for payment to the court reporter.

Subdivisions (a) and (b) of section 122.1 of Part 122 of the Rules of the Chief Administrator, governing judicial hearing officers (22 NYCRR 122.1 (a) (b)), were amended by order signed April 24, 1987, effective retroactively as of March 13, 1984, the date of its initial approval, to permit a former judge of a city court which is not a court of record to become a judicial hearing officer. This amendment had been fully approved by the Chief Administrative Judge and the Administrative Board of the Courts on March 13, 1984, to conform to a statutory charge, but had not been formalized at that time by signature of the written order.

Subdivisions (a) and (b) of section 122.1 (22 NYCRR 122.1(a)(b)), and subdivision (b) of section 122.6 (22 NYCRR 122.6), of the Rules of the Chief Administrator, governing judicial hearing officers, were amended, effective May 14, 1987, to (1) delete the requirement that every judicial hearing officer shall have served at least one year as a judge or justice of a court of record or of a city court that is not a court of record, thereby permitting former judges with less time in judicial service to apply for appointment as judicial hearing officers, and (2) to authorize the appropriate administrative judge to assign a judicial hearing officer to preside over a part of court for a period of 20 court days or less.

Section 122.8 of the Rules of the Chief Administrator (22 NYCRR 122.8), in relation to the compensation of judicial hearing officers, was amended, effective October 1, 1987, to increase the *per diem* compensation awarded to judicial hearing officers from $200 to $250.

New Part 128 of the Rules of the Chief Administrator (22 NYCRR Part 128), constituting the Uniform Rules for the Jury System, was adopted, effective September 1, 1987. Subsequently, departmental rules governing the jury system within each respective judicial department were repealed seriatim by the respective Appellate Divisions.

New Part 129 of the Rules of the Chief Administrator (22 NYCRR Part 129), governing fair treatment standards for crime victims who are involved in the judicial process, was adopted, effective May 14, 1987, in implementation of section 645 of Article 23 of the Executive Law.

New Part 131 of the Rules of the Chief Administrator (22 NYCRR Part 131), was adopted, effective December 1, 1987, to implement section 218 of the Judiciary Law creating an experiment permitting the audio-visual coverage of judicial proceedings. This Part became effective for an experimental period from December 1, 1987, through May 31, 1989.

Simultaneously with the adoption of new Part 131, former Parts 130 and 131 of the Rules of the Chief Administrator (22 NYCRR Parts 130 and 131), relating respectively to the Unified Court System Employee Suggestion Incentive Program and the Unified Court System Merit Performance Award Program, were renumbered as Parts 132 and 133 respectively (22 NYCRR Parts 132, 133).

New section 200.8 of the Uniform Rules for Courts Exercising Criminal Jurisdiction (22 NYCRR 200.8), relating to forms for use in criminal proceedings, was adopted, also effective March 13, 1987. This section provides for the use of uniform official forms in trial courts exercising criminal jurisdiction.

New section 200.9 was added, effective September 1, 1987, to Part 200 of the Uniform Rules for Courts Exercising Criminal Jurisdiction (22 NYCRR Part 200), to provide procedures for receiving notice of how to apply for certificates of relief from disabilities with respect to persons convicted of crimes, a matter theretofore governed by Part 13 of the Rules of the Chief Judge (22 NYCRR Part 13), repealed as of the same date.

Section 202.4 of the Uniform Civil Rules for the Supreme Court and the County Court (22 NYCRR 202.4) was amended, effective March 13, 1987, to provide that ex parte applications in actions or proceedings in the Supreme Court may be heard and determined by a judge of the County Court in the county where venue is laid, during periods when no Supreme Court term is in session in the county.

Section 202.13 of the Uniform Civil Rules for the Supreme Court and the County Court (22 NYCRR 202.13) was amended, effective March 13, 1987, to provide for the removal of actions without consent, pursuant to CPLR 325(d), from the County Court of Albany County to the City Court of the City of Albany.

Subdivision (b) of section 202.16 of the Uniform Civil Rules for the Supreme Court and County Court (22 NYCRR 202.16(b)), relating to the form of statements of net worth, was amended, effective March 13, 1987, to update the citation to that form.

Subdivision (a) of section 202.42 of the Uniform Civil Rules for the Supreme Court and the County Court (22 NYCRR 202.42), relating to bifurcated trials, was amended, effective February 9, 1987, expressly to encourage judges to order a bifurcated trial of the issues of liability and damages in any action for personal injury where it appears that bifurcation may assist in a clarification or simplification of issues and a fair and more expeditious resolution of the action.

Subdivision (b) of section 202.50 of the Uniform Rules for the Supreme Court and County Court (22 NYCRR 202.50(b)) was amended, effective March 13, 1987, to update the citation to the forms of judgment used in matrimonial actions.

New section 202.58 of the Uniform Civil Rules for the Supreme Court and the County Court (22 NYCRR 202.58) was adopted, effective July 1, 1987, to govern procedures in small claims tax assessment review proceedings. This section, implementing section 737 of the Real Property Tax Law, provides a set of permanent special procedural rules for the processing of the proceedings authorized by Article 7-A of that law. Previously, a body of interim rules governed those proceedings.

Subdivision (a) of section 205.7 of the Uniform Rules for the Family Court (22 NYCRR 205.7 (a)) was amended, effective March 13, 1987, to update the citation to Family Court forms.

Section 207.52 of the Uniform Rules for the Surrogate's Court was amended, effective March 13, 1987, updating the citation to the Surrogate's Court forms.

Subdivision (a) of section 208.35 of the Uniform Rules for the New York City Civil Court (22 NYCRR 208.35) relating to bifurcated trials, was amended, effective February 9, 1987, expressly to encourage judges in the Civil Court to order a bifurcated trial of the issues of liability and damages in any action for personal injury where it appears that bifurcation may assist in a classification or simplification of issues and a fair and expeditious resolution of the action.

A new subdivision (i) of section 208.42 of the Uniform Rules for the Civil Court of the City of New York (22 NYCRR 208.42 (i)), relating to the notice of a summary dispossess or eviction proceeding under Article 7 of the Real Property Actions and Proceedings Law, was adopted, effective September 1, 1987. The new subdivision provides for a postcard notice to be mailed by the clerk of the Housing Part of Civil Court to a nonappearing tenant in an eviction proceeding prior to the entry of a default judgment.

Subdivision (a) of section 214.9 of the Uniform Civil Rules for the Justices Courts (22 NYCRR 214.9) was amended, effective March 13, 1987, to provide that town and village justices shall deposit as soon as practicable all monies received in the justice's judicial capacity in a separate bank account in the justice's name as such judicial officer, in a bank or a trust company in New York State, pending disposition as required by law, and that, in no event, shall any deposit be made later than 72 hours, exclusive of Sundays and holidays, from the date of receipt.

1988 Report
of the
Advisory Committee on Civil Practice
to the
Chief Administrative Judge of the Courts
of the
State of New York

December, 1987

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I. Introduction

The Advisory Committee on Civil Practice, one of the standing advisory committees established by the Chief Administrator of the Courts pursuant to section 212(1) (q) of the Judiciary Law, annually recommends to the Chief Administrator legislative proposals in the area of civil procedure that may be incorporated in the Chief Administrator's legislative program. The Committee makes its recommendations on the basis of its own studies, examination of decisional law, and on the basis of recommendations received from bench and bar. The Committee maintains a liaison with the New York State Judicial Conference, committees of judges and committees of bar associations, legislative committees and such agencies as the Law Revision Commission. In addition to recommending its own annual legislative program, the Committee reviews and comments on other pending legislative measures concerning civil procedure.

In this 1988 Report the Committee recommends a total of 16 bills for enactment by the 1988 Legislature. Of these bills, six bills previously have been endorsed, while of the 10 remaining bills, three are new and seven are modified measures.

Part II of this Report sets forth and summarizes each of the measures previously submitted and endorsed and explains the purpose in each instance.

Part III sets forth and summarizes new measures and measures previously submitted but proposed in 1988 in modified form.

The new measures submitted this year would (1) allow Supreme Court costs to be awarded in an action removed without consent to a lower court; (2) provide that in a proceeding brought in District Court, a defendant corporation be given twenty days to answer a summons personally served, and (3) provide that there is no exemption from a jury demand fee for a municipality sued in small claims court.

In Parts II and III, individual summaries are followed by drafts of appropriate legislation.

Part IV briefly discusses pending and future projects under Committee consideration.

In addition to its 1987 Report on Civil Practice, the Committee also submitted to the Chief Administrative Judge during the past year extensive recommendations on various proposed rules, particulary a number of Uniform Rules for the New York State Trial Courts, including uniform rules relating to the Individual Assignment System, and rules governing financial sanctions against attorneys or parties for frivolous conduct in civil litigation. The Committee also consulted with the Family Court Advisory and Rules Committee on a proposed measure to amend the Family Court Act to enable the Family Court to enforce a decree entered in the Supreme Court containing an equitable distribution award or related relief when subsequent proceedings are referred to the Family Court. This proposal now is under review by both Committees.

The Committee continues to solicit the comments and suggestions of bench, bar, academic community and public, and invites the sending of all observations, suggestions and inquiries to:

Professor George F. Carpinello, Chair
Advisory Committee on Civil Practice
Office of Court Administration (Suite 1401)
270 Broadway
New York, New York 10007

II. Previously Endorsed Measures

1. Bill of Particulars
(CPLR 3041, 3042)

The Committee recommends the amendment of CPLR 3041 and CPLR 3042 to save the time of courts and litigants, to curtail pronounced and widespread abuses which have arisen under present law, and to improve the procedures governing the use of bills of particulars.

Under the present provisions of CPLR 3042, many attorneys serve a bill of particulars only after being served with a conditional order of preclusion. Initial requests for bills of particulars routinely are ignored. Some attorneys routinely serve demands that are so prolix and burdensome as effectively to harass opponents. Still other attorneys routinely serve patently defective bills.

The courts are inundated with motions to preclude for failure timely to serve bills of particulars, and with motions relating to disclosure generally. A survey showed that during 1985 Special Term, Part 1-A, of the Supreme Court in New York County, processed approximately 20,000 motions relating to bills of particulars, disclosure, and statements of readiness. Motions relating to bills of particulars are adjourned frequently, and the final determination is generally a conditional order of preclusion which may or may not be obeyed. This practice wastes judicial resources and burdens litigants.

The language of CPLR 3042 is streamlined by making a minor amendment to CPLR 3041. "Bill of particulars" is defined to include "copy of the items of an account," thus eliminating the need for numerous references in CPLR 3042 to the latter term.

The following revisions are contained in CPLR 3042:

Whereas the party served with a demand for a bill of particulars must now comply with the demand within 20 days of service or move to vacate or modify the demand within 10 days thereof, this bill would amend subdivision (a) to simplify the procedure by setting a uniform period of 20 days in each instance, and the party moving to modify the demand would be required to attach to the moving papers a copy of the proposed bill, complying with the items to which there is no objection.

Subdivision (b), which allows a party seeking a bill of particulars to proceed by motion instead of demand, is retained, although it seldom is utilized. There may be some circumstances in which proceeding by motion initially is appropriate.

Subdivision (c) would be amended to create a new automatic preclusion procedure applicable to a party who fails timely either to comply with the demand for a bill of particulars or to move to vacate or modify. In the absence of any such timely action, the demanding party would be authorized to put the defaulting party on written notice that the bill has not been served and that an automatic preclusion will take effect 30 days after service of the notice if the bill is not received. The written notice must be served by personal delivery or by registered or certified mail. Additionally, the notice is required to refer to this rule so that the defaulting party may be alerted to the statutory sanction for default in serving the bill.

The notice and automatic preclusion procedure, which is provided for in amended subdivision (c), and is new, is the principal difference between the proposed rule 3042 and present rule 3042.

A party who is unable to comply with the demand should move in a timely manner under subdivision (a) to prevent the imposition of any sanction. A party would not be permitted to move to vacate or modify a demand after receipt of the preclusion notice but may move to vacate the default within 60 days after service of the notice of preclusion. Such relief could be afforded only upon a showing of justifiable excuse for the default, the submission of an affidavit of merits and the proposed bill of particulars. Relief from automatic preclusion would be governed by a new subdivision (d).

Present subdivision (d) governing preclusion for a defective bill would be retained with some revision as new subdivision (e), and the time within which a party served with a defective bill may move for an order directing preclusion or service of a further bill is extended from 10 to 30 days.

Present subdivision (e) governing the conditional order of preclusion, would be deleted since that procedure is superseded by this revision. Present subdivision (f), governing affidavits, would be eliminated as unnecessary because general rules governing motions and affidavits are adequate and because an affidavit of merits, to be required by new subdivision (d), should be made by a party, not an attorney.

Present subdivision (g) (Amendment) would be redesignated as new subdivision (f) and slightly reworded for the sake of clarity.

Present subdivision (h) (Costs) would be redesignated as new subdivision (g).

Nothing in the revision of this rule precludes parties or their attorneys from extending by written stipulation the time for serving any notice, motion or bill of particulars.

The extension of time to 20 days to move to modify or vacate the demand, together with the potential for automatic preclusion, should substantially reduce the number of motions required with respect to bills of particulars, and significantly improve the administration of justice.

Revision of rule 3042 also provides an opportunity to make minor grammatical and technical changes in the wording of various provisions. These changes are not intended to have any substantive effect.

Proposal

AN ACT

To amend the civil practice law and rules, in relation to bill of particulars

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty hundred forty-one of the civil practice law and rules is amended to read as follows:

§3041. Bill of particulars in any case. Any party may require any other party to give a bill of particulars of [his] *such party's* claim, or a copy of the items of the account alleged in a pleading. *As used in this article, the term "bill of particulars" shall include "copy of the items of an account" wherever appropriate.*

§2. Rule thirty hundred forty-two of such law and rules, subdivision (a) as amended by chapter two hundred ninety-four of the laws of nineteen hundred eighty-four, subdivision (g) as amended by chapter two hundred ninety-seven of the laws of nineteen hundred seventy-eight and subdivision (h) as relettered by chapter two hundred ninety-six of the laws of nineteen hundred seventy-eight, is amended to read as follows:

Rule 3042. Procedure for bill of particulars. (a) [Notice. A request for a bill of particulars or a copy of the items of an account shall be made by serving a written notice stating the items concerning which such particulars are desired. If the party upon whom such notice is served is unwilling to give such particulars, in whole or in part, he may move to vacate or modify such notice within ten days after receipt thereof. The notice or supporting papers shall specify clearly the objections and the grounds therefor. If no such motion is made the bill of particulars shall be served within twenty days after the demand therefor, unless the court shall otherwise direct.] *Demand. A demand for a bill of particulars shall be made by serving a written demand stating the items concerning which the particulars are desired. The party served with the demand, within twenty days of the service thereof, shall serve a bill of particulars complying with the demand, or move to vacate or modify the demand, specifying the objections and the grounds therefor. A party moving to modify the demand shall attach to the moving papers a copy of the proposed bill, complying with the items to which no objection is made.*

(b) Motion. Instead of proceeding by demand, [the] *a* party may move for a bill of particulars[, or copy of the items of account] in the first instance.

(c) Preclusion for failure to supply bill. [In the event that] *If* a party fails *timely* to furnish a bill of particulars[, or copy of the items of an account the court, upon notice, may preclude him from giving evidence at the trial of the items of which particulars have not been delivered] *or to move to vacate or modify the demand, the demanding party may serve a written notice of preclusion by personal delivery or by registered or certified mail requesting that the demand be complied with within thirty days after service of the notice. The notice shall refer to this rule and shall state that if the* *party fails to comply therewith the party automatically shall be precluded without an application to the court. If the party served with the notice fails, within thirty days after service thereof, to furnish a bill, the party shall be precluded from giving evidence at trial of the particulars not furnished.*

(d) [Preclusion for defective bill. Where a bill of particulars, or copy of the items of the account, is regarded as defective or insufficient by the party upon whom it is served, the court, upon notice, may make an order of preclusion or directing the service of a further bill. In the absence of special circumstances, a motion for such relief shall be made within ten days after the receipt of the bill claimed to be insufficient] *Relief from automatic preclusion. A party precluded under subdivision (c) of this rule may move to vacate the default within sixty days after service of the notice of preclusion, upon a showing of justifiable excuse for the default, and submission of an affidavit of merits and the proposed bill.*

(e) [Conditional order of preclusion. A preclusion order may provide that it will be effective unless a proper bill is served within a specified time] *Preclusion for defective bill. Where a bill is defective or insufficient, the court, upon motion, may order preclusion or direct the service of a further bill. In the absence of special circumstances, a motion for such relief shall be made within thirty days after receipt of the bill claimed to be defective or insufficient.*

(f) [Affidavits. Affidavits to be used in support of or in opposition to a motion under this rule may be made by a party or his attorney.

(g) Amendment. In any action or proceeding in a court in which a note of issue is required to be filed, a party may amend [his] *the* bill of particulars once as of course [before trial,] prior to the filing of a note of issue.

[(h)] *(g)* Costs. Upon any motion, except under subdivision (b), costs may be imposed.

§3. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

2. Use of Depositions
(CPLR 3117 (a)(2)

The Committee recommends the clarification of CPLR 3117 (a)(2) with respect to the use of depositions.

CPLR 3117(a) (2), in prescribing which depositions may be used as evidence in chief by an adverse party, includes the depositions of various officials and agents of a party, but it singles out the party's "employee" for distinct treatment. Before the employee's deposition may be used (even by the adverse party), CPLR 3117(a), (2) requires a showing that the employee was "produced" by the employer-party, but it does not say expressly when this producing had to take place.

The context suggests that the employee had to be produced by the employer at the trial, and that is in fact the construction given to the rule by *Rodriquez v. Board of Education of the City of New York*, 104 A.D. 2d 978 (2d Dept. 1984). What almost certainly was intended, however, is that it be shown that the employer produced the employee not at the trial, but at the deposition. It is at that point that the employee's loyalties would be relevant, giving the employee, if he is such at deposition time, the status of a "party" and enabling the adverse party to treat his deposition as such later on at the trial. That application of the rule makes more sense in trial practice (*see* Siegel, 1985 Commentary C3117:4 on McKinney's CPLR 3117) and the Advisory Committee has discerned that the application recommended here has been the most common one, and clearly the one preferred by members of the trial bar on both sides of litigation.

The amendment therefore alters the construction given the rule by *Rodriquez*, and adopts the common and preferred practice.

Proposal

AN ACT

To amend the civil practice law and rules, in relation to use of depositions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph two of subdivision (a) of rule thirty-one hundred seventeen of the civil practice law and rules, as amended by judicial conference proposal number two for the year nineteen hundred seventy-seven, is amended to read as follows:

2. the deposition of a party or of any one who at the time of taking the deposition was an officer, director, member, or managing or authorized agent of a party, or the deposition of an employee of a party produced *at the taking of the deposition* by that party, may be used for any purpose by any adversely interested party; and

§ 2. This act shall take effect immediately.

3. Stay of Enforcement on Appeal
(CPLR 5519(a) (e))

The Court of Appeals and the Advisory Committee recommend that the provisions governing the automatic stay of enforcement pending appeal be improved by necessary additions, appropriate detail and fuller integration.

The proposal would amend CPLR 5519(a) (Stay without court order) and CPLR 5519(e) (Continuation of stay), to complete, integrate and otherwise improve the provisions on stay of enforcement pending appeal, without court order, through successive tiers of appellate courts. Although intended to mesh with each other in spelling out a continuing process marked by symmetry, precision and clear and necessary detail, the present provisions fall short of the mark, calling for correction. This bill would start by striking the second and third sentences of CPLR 5519(e), clearing the way for an improved text as described hereafter.

First, the proper balance would be effected as between CPLR 5519(a) and CPLR 5519(e), by naming in each the full array of procedures by which the stay of enforcement on appeal is initiated and then continued. CPLR 5519(a) provides for initiation of the stay by service of a notice of appeal or an affidavit of intention to move for permission to appeal on the adverse party. It would be amended to add the motion for permission to appeal. CPLR 5519(e), which fails to designate the affidavit of intention to move as a device for continuing the stay, would be completed by striking the second sentence and adding a new one naming all three devices, the notice of appeal, the motion for permission to appeal and the affidavit of intention to move for permission to appeal. Left intact is the first sentence of CPLR 5519(e) which states the general rule that the stay continues for five days after service upon the appellant of the order of affirmance or modification with notice of entry in the court to which appeal was taken.

Second, continuing from where the first sentence leaves off, the existing provisions of the second and third sentences of CPLR 5519(e) would be clarified, integrated and completed in the proposed new second, third and fourth sentences to elaborate as follows: (a) the stay, where appeal is pursued through first level and successive appellate levels, continues until five days after service of the order determining the appeal, or denying the motion for permission to appeal, with notice of entry; and where the motion is granted, the stay shall continue until five days after service of the order determining the appeal with notice of entry; (b) the court may provide otherwise than as prescribed with respect to the duration of the continued say in all the above instances, a proposal which would allow a practical measure of flexibility. A new fifth sentence would provide that where the appeal, whether as of right or by leave, is one determined by the Court of Appeals, such stay shall continue until five days after service by counsel of a copy of the court's remittitur determining the appeal, thereby giving notice to unique Court of Appeals practice where a remittitur rather than an order is issued.

Third, to lay to rest a recurring argument on appeal that an appellant loses any right to a stay initiated under CPLR 5519(a) when he or she subsequently fails to take the required action under CPLR 5519(e) to continue such stay, a new sixth sentence would be added to CPLR 5519(e) expressly to clarify that the automatic stay originally obtained under CPLR 5519(a), on first-level appeal, may still be resurrected, on further appeal, by taking timely and appropriate action under CPLR 5119(a).

Fourth, since neither CPLR 5519(a) nor CPLR 5519(e) establishes the time at which the stay expires when an affidavit of intention to move for permission to appeal is served, but no motion for permission to appeal is made, a new seventh sentence, harmonizing with CPLR 5519(b), would be added to subdivision (e), and therein made applicable also to subdivision (a), to provide that where such affidavit is served, but no such motion made, the stay will expire at the close of the thirtieth day after the order sought to be appealed from with notice of entry is served.

The foregoing proposals would better integrate CPLR 5519(a) and CPLR 5519(e), as well as add the clarity, economy, cohesion, and detail required for full effectiveness.

Proposal

AN ACT

To amend the civil practice law and rules, in relation to stay on appeal

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The opening paragraph of subdivision (a) of section fifty-five hundred nineteen of the civil practice law and rules is amended to read as follows:

Service upon the adverse party of a notice of appeal, *a motion for permission to appeal* or an affidavit of intention to move for permission to appeal stays all proceedings to enforce the judgment or order appealed from pending the appeal or determination on the motion for permission to appeal where:

§2. Subdivision (e) of section fifty-five hundred nineteen of such law and rules, as amended by chapter two hundred thirty-nine of the laws of nineteen hundred seventy-nine, is amended to read as follows:

(e) Continuation of stay. If the judgment or order appealed from is affirmed or modified, the stay shall continue for five days after service upon the appellant of the order of affirmance or modification with notice of its entry in the court to which the appeal was taken. If [an appeal is taken, or a motion is made for permission to appeal, from such an order before the expiration of the five days, the stay shall continue until five days after service of notice of the entry of the order determining such appeal or motion. When a motion for permission to appeal is involved, the stay, or any other stay granted pending determination of the motion for permission to appeal, shall:

(i) if the motion is granted, continue until five days after the appeal is determined; or

(ii) if the motion is denied, continue until five days after the movant is served with the order of denial with notice of its entry] *a notice of appeal, or a motion for permission to appeal, or an affidavit of intention to move for permission to appeal from such order is served upon the adverse party before the expiration of the five days, the stay shall continue, unless the order determining the appeal or motion otherwise provides, until five days after service with notice of entry of the order determining the appeal or denying the motion. Where a successive appeal or motion for permission to appeal is available and notice of that appeal or motion or affidavit of intention to move for permission to appeal is served on the adverse party within such latter five-day period, the stay shall continue as provided above. Where the motion is granted, the stay shall continue until five days after service with notice of entry of the order determining the appeal unless that order otherwise provides. Where the appeal, whether as of right or by leave, is one determined by the court of appeals, the stay shall continue until five days after service by counsel of a copy of the court's remittitur determining the appeal. The failure of a party possessing an automatic stay under subdivision (a) of this section to obtain a continuation of such stay pursuant to this subdivison shall not preclude that party from thereafter obtaining a new stay* *by again complying with the applicable provisions of subdivision (a) of this section. If, after serving an affidavit of intention to move for permission to appeal, under this subdivision or subdivision (a) of this section, the party who seeks permission does not serve and file such motion within thirty days after service with notice of entry upon that party of the order sought to be appealed from, the stay shall expire at the close of such thirtieth day.*

§3. This act shall take effect on the first day of January next succeeding the date on which it becomes a law.

4. Hearing and Determination of Artice 78 Proceeding (CPLR 7804(g))

The Committee recommends that CPLR 7804(g) be amended to make it clear that only those issues which could terminate the case upon their being resolved before the substantial evidence issue is reached shall be decided by the Supreme Court before the case can be transferred, when not dismissed, to the Appellate Division for consideration of the substantial evidence question.

This bill would amend subdivision (g) of section 7804 of the CPLR, which provides that an Article 78 proceeding involving the question whether an administrative determination is supported by substantial evidence shall be transferred from the Supreme Court to the Appellate Division. It also provides, however, that the Supreme Court may pass "on objections in point of law." Just what questions are to be passed upon under this ambiguous provision has long been a subject of disagreement.

This measure would amend subdivision (g) to eliminate the reference to "objections in point of law" and to clarify the process preliminary to transfer of an Article 78 proceeding to the Appellate Division. As the law now stands, where a substantial evidence issue is not raised, the Supreme Court would dispose of all the issues in the proceeding. Under this measure, however, where a substantial evidence issue is raised, the Supreme Court first would dispose of "such other objections as could terminate the proceeding without reaching the substantial evidence issue" *e.g.*, lack of jurisdiction, statute of limitations and res judicata. If disposition of these objections does not terminate the proceeding, the Supreme Court must then transfer the proceeding to the Appellate Division. *See Hop-Wah* v. *Coughlin*, 118 A.D.2d 275, 504 N.Y.S.2d 806 (Third Dept. 1986).

This distribution of jurisdiction over Article 78 proceedings is salutary. The substantial evidence rule is an adjunct to the old writ of *certiorari*, which was available only where a litigant sought review of a determination following a full-fledged, quasi-judicial administrative hearing. Transfer of substantial evidence cases to the Appellate Division is premised on the fact that in such cases there has already been a plenary hearing before an administrative agency, giving rise to a full record, and that review of that record should be the responsibility of an appellate-level court. Likewise, authorizing trial courts first to screen substantial evidence cases, and in the process weeding out those with fatal defects unrelated to substantial evidence issues, is clearly consistent with the role of *nisi prius* at the Supreme Court level. Moreover, this procedural arrangement is desirable from the standpoint of effective court administration and judicial economy. There is little reason to involve a trial court in review of substantial evidence issues because: (1) the record to be reviewed was established at the agency level and is complete; and (2) to permit such review would merely be duplicative of the review to follow in the Appellate Division. Filtering substantial evidence cases through the trial courts, however, to permit the early disposition of those with fatal defects, will provide some relief for already congested Appellate Division calendars.

Proposal

AN ACT

To amend the civil practice law and rules, in relation to the hearing and determination of article seventy-eight proceeding

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (g) of section seventy-eight hundred four of the civil practice law and rules is amended to read as follows:

(g) Hearing and determination; transfer to appellate division. Where [an] *the substantial evidence* issue specified in question four of section 7803 is not raised, the court in which the proceeding is commenced shall itself dispose of the issues in the proceeding. Where such an issue is raised, the court shall *first dispose of such other objections as could terminate the proceeding, including but not limited to lack of jurisdiction, statute of limitations and res judicata, without reaching the substantial evidence issue. If the determination of the other objections does not terminate the proceeding, the court shall* make an order directing that [the proceeding] *it* be transferred for disposition to a term of the appellate division held within the judicial department embracing the county in which the proceeding was commenced [; the court may, however, itself pass on objections in point of law]. When the proceeding comes before it, whether by appeal or transfer, the appellate division shall dispose of all issues in the proceeding, or, if the papers are insufficient, it may remit the proceeding.

§2. This act shall take effect on the first day of January next succeeding the date on which it becomes a law.

5. Fees of Persons Subpoenaed (CPLR 8001(a))

The Committee recommends that CPLR 8001(a) be amended to increase both the attendance fee and travel expenses for a person subpoenaed to testify in civil actions. The daily attendance fee would be increased from $2.00 to $15.00, and travel expenses for each mile from the place of service of the subpoena to the place of attendance and back, from 8¢ to 23¢. Because section 610.50 of the CPL provides that "[a] witness subpoenaed by the people in a criminal action is entitled to the same fees and mileage as a witness in a civil action," this measure would provide similar increases in fees and expenses allowed prosecution witnesses in criminal cases.

As a result of inflation, attendance fees and the reimbursement level for travel expenses for persons subpoenated are in need of revision. These fees and expenses, which have not been revised since the enactment of the CPLR in 1962, no longer reflect present economic reality. The proposed increase in fees will afford witnesses more reasonable compensation for time lost while testifying in court or at an examination before trial. The proposed increase in mileage will provide witnesses with the same reimbursement now afforded State employees who travel on official State business.

The provision that there is no mileage fee for travel wholly within a city remains unchanged.

Proposal

AN ACT

To amend the civil practice law and rules, in relation to fees of persons subpoenaed

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (a) of section eighty hundred one of the civil practice law and rules, is amended to read as follows:

(a) Persons subpoenaed. Any person [whom] *whose* attendance is compelled by a subpoena, whether or not actual testimony is taken, shall receive for each day's attendance [two] *fifteen* dollars for attendance fees and [eight] *twenty-three* cents as travel expenses for each mile to the place of attendance from the place where he *or she* was served, and return. There shall be no mileage fee for travel wholly within a city.

§2. This act shall take effect on the first day of January next succeeding the date on which it becomes a law.

6. Amount of Court Costs (CPLR 8201-8204)

The Committee recommends the amendment of the four CPLR sections governing court costs, to upgrade the amounts and to provide for uniform statewide application thereof in order to reduce the gap occasioned by inflation.

This measure would amend sections 8201, 8202, 8203 and 8204 of the CPLR to increase the amount of costs awardable in an action, on a motion, and on appeal to the Appellate Division and the Court of Appeals.

No change is proposed in the concept that costs provide only a partial reimbursement for the expenses incurred by a successful party; the amounts awardable, which have not been changed in many years, are adjusted principally to offset the effects of inflation over the last decade.

The policy underlying an award of costs is that the prevailing party should have some compensation for the expenses incurred in successfully asserting his or her rights in court. Only certain categories of out-of-pocket expenses are recoverable as "disbursements" (CPLR 8301); an award of costs provides partial reimbursement for general expenses and inconvenience incurred by the successful party. The sums allowed as costs, as set out in Article 82 of the CPLR, are nominal. These are not intended to represent full recovery of attorney's fees (*Harlan* v. *Weiner*, 80 Misc. 2d 723, 725 (Civil Court of the City of New York, New York County, 1974)). Some New York courts have declined to allow the prevailing party in ordinary civil litigation to recover actual litigation expenses, even where the opposing party has asserted groundless claims or defenses (*Scully* v. *Genesee Milk Producer's Coop.*, 78 A.D.2d 982 (Fourth Dept. 1980)), "the theory being that costs awarded . . . is all the indemnity that the law allows . . ." *New York Pattern Jury Instructions-Civil*, vol. 2, p. 810.

Since the amounts allowable as costs have not been changed for many years, the nominal sums originally set have become absurdly low as a result of inflation. In 1951, the Civil Practice Act adopted the present format of awarding $25 for proceedings before the filing of a note of issue, $50 for all proceedings after a note of issue is filed and before trial, and $75 for each trial, inquest or assessment of damages. These categories and dollar amounts were carried forward when the CPLR was enacted in 1962. In 1972, a distinction was drawn between actions in the counties within the City of New York and elsewhere in the state, and the amounts were doubled as to those counties within the City of New York. There have been no changes at all in the amounts applicable to actions outside the City of New York.

For motions, costs were fixed at $10 for many decades and then increased to $20 when the CPLR was enacted in 1962. In 1972, the maximum costs on motions in counties within the City of New York were increased to $40 while the maximum of $20 was preserved elsewhere.

The level of costs on appeals has remained the same for several decades.

With the rate of inflation experienced in the last fifteen years, the amounts now authorized as costs have lost what little significance they once had. This measure proposes modest across-the-board increases in these amounts so that victorious litigants may receive compensation for their expenses at a level closer to what originally was intended.

Under present law, costs in an action (CPLR 8201) are made awardable in three stages and may vary, depending on whether the action is being litigated in New York City or elsewhere in the State. Thus, costs awardable for proceedings before the filing of a note of issue now are established at $50 in New York City and $25 elsewhere; for proceedings between the filing of the note of issue and trial, they are $100 and $50 respectively; for trial, they are $150 and $75, respectively. This measure would, at each stage, eliminate the distinction drawn between New York City and elsewhere, and establish uniform costs awardable in an action as follows: for the pre-note of issue stage, which has become more important in recent years as a result of the certificate of readiness requirement, $200; for the note of issue to trial stage, $200; and for the trial itself $300.

Costs on a motion (CPLR 8202) are fixed by the court, subject to a maximum of $40 in New York City and $20 elsewhere. Here again, this measure would eliminate the distinction drawn between New York City and elsewhere and establish $100 as the maximum costs awardable on a motion.

The maximum costs available on appeal to the Appellate Division (CPLR 8203(a)) are awardable in two stages:

$25 for all pre-argument proceedings and $50 for argument. Maximum costs on appeal to the Court of Appeals (CPLR 8204) are similarly bifurcated: $50 for all pre-argument proceedings and $75 for argument. This measure would, in both cases, eliminate the two-stage award, and would establish $250 and $500 as the maximum costs awardable on appeal to the Appellate Division and to the Court of Appeals respectively.

Proposal

AN ACT

To amend the civil practice law and rules, in relation to amount of court costs

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-two hundred one of the civil practice law and rules, as separately amended by chapters seven hundred thirty-four and seven hundred thirty-five of the laws of nineteen hundred seventy-two, is amended to read as follows:

§8201. Amount of costs in an action. Costs awarded in an action shall be in the amount of:

1. [fifty] *two hundred* dollars [in the counties within the city of New York, and twenty-five dollars in all other counties,] for all proceedings before a note of issue is filed; plus

2. [one] *two* hundred dollars [in the counties within the city of New York, and fifty dollars in all other counties,] for all proceedings after a note of issue is filed and before trial; plus

3. [one] *three* hundred [fifty] dollars [in the counties within the city of New York, and seventy-five dollars in all other counties,] for each trial, inquest or assessment of damages.

§2. Section eighty-two hundred two of such law and rules, as separately amended by chapters seven hundred thirty-four and seven hundred thirty-five of the laws of nineteen hundred seventy-two, is amended to read as follows:

§8202. Amount of costs on motion. Costs awarded on a motion shall be in an amount fixed by the court, not exceeding [forty] *one hundred* dollars [in counties within the city of New York, and twenty dollars in all other counties].

§3. Subdivision (a) of section eighty-two hundred three of such law and rules, as separately amended by chapters three hundred ninety-one and seven hundred thirty-five of the laws of nineteen hundred seventy-two, is amended to read as follows:

(a) Unless the court awards a lesser amount, costs awarded on an appeal to the appellate division shall be in the amount of [: 1. twenty-five dollars for all proceedings before argument; plus 2. fifty dollars for argument] *two hundred fifty dollars.*

§4. Section eighty-two hundred four of such law and rules, as amended by chapter seven hundred thirty-five of the laws of nineteen hundred seventy-two, is amended to read as follows:

§8204. Amount of costs on appeal to court of appeals. Unless the court awards a lesser amount, costs awarded on an appeal to the court of appeals shall be in the amount of [: 1. fifty dollars for all proceedings before argument; plus 2. seventy-five dollars for argument] *five hundred dollars.*

§5. This act shall take effect on the first day of January next succeeding the date on which it becomes a law; provided, however, that its provisions shall apply only to bills of costs entered on or after the effective date, regardless of when the claim accrued or the action was commenced.

III. New or Modified Measures

1. Service of Process by Mail (CPLR 306(d); CPLR 312-a (new); CPLR 8301(c); NYCCCA §§403, 1908-a (new); UDCA §§403, 1908-a (new); UCCA §§403, 1908-a (new); UJCA §§403, 1908-a (new)) (modified measure)

The Committee proposes the adoption of a provision permitting, as an alternative to the methods of personal service of process now set forth in CPLR sections 307, 308, 309, 310, 311 and 312, personal service of process by mail. It adds a new CPLR 312-a, applicable to civil practice generally, conforms CPLR 306(d) and adds related and supplemental provisions for taxation of disbursements to the CPLR, the New York City Civil Court Act and the Uniform Court Acts.

Service of process by personal delivery has generated growing problems of expense to litigants. The frequency of traverses and of litigation concerning whether personal service actually was obtained, the frequent need to resort to secondary and substituted service, and recurring reports of sewer service, all add to the advisability of devising a cheaper, surer and more efficient means of personal service.

In its search for viable alternatives, the Advisory Committee was favorably impressed by its investigation of new Federal Rule 4(c) (2) (C) (ii), enacted by Congress in 1983 (Pub. L. 97-462) and operative in the Federal courts since February 26, 1983. The rule provides for service of process by mail, with acceptance of such service optional with the defendant. Failure to acknowledge in a timely manner receipt and acceptance of service by the defendant requires the plaintiff to resort to other more expensive methods of service, but with the defendant liable for the expense of the alternative method of service that is utilized.

This method of service of process by mail has been successful in those courts where it currently is being used. The Committee is advised by the clerks' offices of the United States District Courts for the Southern and Eastern Districts of New York that mail service is working well and is used by a majority of attorneys. The Committee also is advised that the State courts in California have adopted this optional method of service. Service of process by mail now is used universally in the small claims courts throughout the state (as authorized by §1803 of the New York City Civil Court Act and the Uniform Court Acts), and the Committee has been advised that many judges and attorneys involved in landlord and tenant matters favor the concept of service of process by mail.

This measure follows in large part the successful federal model, as improved by greater specificity to avoid some ambiguities in the federal scheme, as well by a few variations, specified within, intended to ameliorate possible inequities in certain actions based on consumer credit transactions. It provides that service of process may be made by mailing, by first class mail, postage prepaid, a copy of the summons and complaint, or summons and notice, or notice of petition and petition, and that two copies of a statement of service by mail and instruction form and an acknowledgment of service form be enclosed, together with a self-addressed, stamped return envelope. It further provides that the acknowledgment must be completed and a copy mailed or delivered within 20 days of receipt. If no acknowledgment of service is received by the sender, the sender may resort to the other methods of service now prescribed by the CPLR.

The acknowledgment of receipt form must be signed under penalty of perjury. The action is commenced and service is complete on the date the signed acknowledgment of receipt is mailed or delivered to the sender. The statement contains a warning that it is a crime to forge a signature or to make false entry on the acknowledgment. The acknowledgment of receipt form is to be subscribed and affirmed under penalty of perjury analogous to affirmations under CPLR 2106.

To encourage the acknowledgment of mail service, this measure provides that, if the acknowledgment is not returned to the sender, the court clerk is authorized to tax as a disbursement the expense of service of process by another method and to enter this as a judgment in favor of the plaintiff, even where the plaintiff otherise is not awarded costs in the action, unless, in a case where the plaintiff is not awarded costs, an affidavit alleging nonservice of the summons and complaint, or summons and notice or notice of petition and petition is submitted in opposition. Court clerks are experienced in allowing reasonable expenses when taxing costs, and they will be guided in allowing this disbursement by receipted bills, by supporting affidavits, and, where necessary, by what their experience shows generally is charged for such service by process servers and publishers. Of course, a party against whom a judgment for such costs is to be entered may object, by affidavit, to the taxation of this disbursement, and, if such party prevails, this disbursement would not be added to the bill of costs. Where there is a default in appearance and, therefore, taxation of costs on judgment is permitted without prior notice (*see* CPLR 8402), a retaxation of costs readily can be obtained by the defendant under CPLR 8403 after service of the required subsequent notice.

Since Federal law restricts the taking of default judgment against persons in military service, the acknowledgment requires the person served to state whether he or she is in military service. If in service, such person is required to state his or her rank, serial number and branch of service in the space provided in the acknowledgment form. Failure to supply the required information would signify that such person is not in military service and thus facilitate the entry of a default judgment if no answer is served.

Special provision has been made, in consideration of suggestions made by consumer groups and the Attorney General, further to eliminate problems attendant upon defaults entered against poorer defendants who may not be represented by counsel, and to further guard against "sewer service." Thus, CPLR 312-a(a) would provide that process shall be served by mail only by plaintiff, plaintiff's attorney or an employee of the attorney, thereby reducing the danger of sewer service. In addition, an amendment to CPLR 8301(c) (Disbursements to party not awarded costs) includes a special limitation on costs in certain actions based upon consumer credit transactions. CPLR 312-a(f) (Disbursements) and subdivisions (a) and (c) (as amended) of CPLR 8301, as well as new section 1908-a of the New York City Civil Court Act and the uniform court acts, (Disbursement where service of process by mail is not acknowledged) contain the disbursement provisions for failure to acknowledge service of process by mail. The basic thrust of the cost provisions is that in any action where the plaintiff or petitioner has utilized service by mail and the defendant or respondent has not acknowledged service, thereby causing the plaintiff or petitioner to incur the expense of resorting to traditional methods of personal service, the plaintiff or petitioner may recoup as a disbursement the actual expense incurred, whether or not he or she is awarded costs. Where the action is based upon a consumer credit transaction and the demand does not exceed $3,000, and where the plaintiff or petitioner otherwise is not awarded costs, the amount of the disbursement that the plaintiff or petitioner may recoup as a result of the additional expense incurred by resorting to another method of service is limited to $25.

Additional notice to litigants of the application of the new mail service to the lower courts would be effected by an amendment of section 403 (summons; method and place of service), and insertion of a new section 1908-a (Disbursement where service of process by mail is not acknowledged), both amendments to be incorporated in the New York City Civil Court Act and the uniform court acts.

Finally, new CPLR 312-a would provide that if the Acknowledgment of Service by Mail Form is not returned as required, and an alternative method of service follows, notice of the previous attempt to effect service by mail shall be set forth on the summons or papers served therewith.

The new statute provides that where a complaint or petition is served with a summons or notice of petition, the defendant shall serve an answer within 20 days after the date the signed acknowledgment of receipt is mailed or delivered to the sender. The return of the signed acknowledgment of receipt shall constitute an appearance.

The proposed method of personal service by mail is an optional and alternative method of personal service that would be available to plaintiffs in all civil actions and special proceedings commenced in any court, but would not be applicable to summary proceedings, small claims or Family Court proceedings that are governed by special statutes. The right to use other methods authorized by Article 3 of the CPLR is preserved, which is especially significant for those who wish to effect service immediately or who are concerned about the running of the statute of limitations.

This measure should facilitate and lessen the expense of making personal service in New York and result in a decrease in the litigation of issues of service.

Proposal

AN ACT

To amend the civil practice law and rules, the New York city civil court act, the uniform district court act, the uniform city court act and the uniform justice court act, in relation to service of process by mail

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (d) of section three hundred six of the civil practice law and rules, as so designated by chapter three hundred ninety seven of the laws of nineteen hundred seventy-three, is amended to read as follows:

(d) Form. Proof of service shall be in the form of a certificate if the service is made by a sheriff or other authorized public officer [or], in the form of an affidavit if made by any other person, *or in the form of a signed acknowledgment of receipt of a summons and complaint, or summons and notice or notice of petition and petition as provided for in section 312-a.*

§2. Such law and rules are amended to add a new section, to be section three hundred twelve-a, to read as follows:

§312-a. Personal service by mail. (a) Service. As an alternative to the methods of personal service authorized by CPLR 307, 308, 309, 310, 311 or 312, a summons and complaint, or summons and notice, or notice of petition and petition may be served by the plaintiff, the plaintiff's attorney or an employee of the attorney by mailing to the person or entity to be served, by first class mail, postage prepaid, a copy of the summons and complaint, or summons and notice or notice of petition and petition, together with two copies of a statement of service by mail and acknowledgment of receipt in the form set forth in subdivision (e), with a return envelope, postage prepaid, addressed to the sender.

(b) Completion of service and time to answer. 1. A person must complete the acknowledgment of receipt and mail or deliver a copy of it within twenty days from the date of receipt. An action is commenced and service is complete on the date the signed acknowledgment of receipt is mailed or delivered to the sender. The signed acknowledgment of receipt shall constitute proof of service.

2. Where a complaint or petition is served with the summons or notice of petition, the defendant shall serve an answer within twenty days after the date the signed acknowledgment of receipt is mailed or delivered to the sender. The return of the signed acknowledgment of receipt shall constitute an appearance.

(c) Affirmation. The acknowledgment of receipt of service shall be subscribed and affirmed as true under penalties of perjury and shall have the same force and effect as an affidavit.

(d) Form. The statement of service by mail and the acknowledgment of receipt of such service shall be in substantially the following form:

Statement of Service by Mail and
Acknowledgement of Receipt by Mail of
Summons and Complaint or Summons and Notice
or Notice of Petition and Petition

STATEMENT OF SERVICE BY MAIL

To: (Insert the name and address of the person or entity to be served.) The enclosed summons and complaint, or summons and notice, or notice of petition and petition are served pursuant to section 312-a of the Civil Practice Law and Rules.

To avoid being charged with the expense of service upon you, you must sign, date and complete the acknowledgment part of this form and mail or deliver one copy of the completed form to the sender within twenty (20) days from the date you receive it. If you wish to consult an attorney, you should do so as soon as possible before the twenty (20) days expire.

If you do not complete and return the form to the sender within twenty (20) days, you (or the party on whose behalf you are being served) may be required to pay expenses incurred in serving the summons and complaint, or summons and notice, or notice of petition and petition in any other manner permitted by law, and the cost of such service as permitted by law may be entered as a judgment against you.

The return of this statement and acknowledgment does not relieve you of the necessity to answer the complaint or petition. The time to answer expires twenty (20) days after the day you mail or deliver this form to the sender. If you wish to consult with an attorney, you should do so as soon as possible before the twenty (20) days expire.

If you are served on behalf of a corporation, unincorporated association, partnership or other entity, you must indicate under your signature your relationship to the entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

It is a crime to forge a signature or to make a false entry on this statement or on the acknowledgment.

____
Signature

____
Print name

____
Address

Acknowledgment of Receipt of Summons and Complaint or Summons and Notice of Petition and Petition

I received a summons and complaint, or summons and notice, or notice of petition and petition in the above-captioned matter at (insert address). PLEASE CHECK ONE OF THE FOLLOWING; IF 2 IS CHECKED, COMPLETE AS INDICATED:

1. ☐ I am not in military service.

2. ☐ I am in military service, and my rank, serial number and branch of service are as follows:

Rank ________________________

Serial Number ________________________

Branch of Service ________________________

Date: ________________________
(Date this Acknowledgment is executed)

I affirm the above as true under penalty of perjury.

____

Signature

____

Print name

____

Relationship to Entity/Authority
to Receive Service of Process

(e) Subsequent service. Where a duly executed acknowledgment is not returned, upon the subsequent service of process in another manner permitted by law, the summons or notice of petition or paper served with the summons or notice of petition shall indicate that an attempt previously was made to effect service pursuant to this section.

(f) Disbursements. Where the signed acknowledgment of receipt is not returned within twenty (20) days after receipt of the documents mailed pursuant to subdivision (a), the reasonable expense of serving process by an alternative method shall be taxed by the court as a disbursement, as limited by subdivision (c) of section 8301.

§3. Subdivision (c) of section eighty-three hundred one of such law and rules is amended to read as follows;

(c) Disbursements to party not awarded costs. *1.* The court may allow taxation of disbursements by a party not awarded costs in an action or an appeal; and shall allow taxation of disbursements by a party not awarded costs in an action for a sum of money only where [he] *such party* recovers the sum of fifty dollars or more. *2. The court shall allow to a party who has not been awarded costs in an action or proceeding reimbursement for the reasonable expenses actually incurred by the employment of an alternative method of service, where the party serving process has utilized the service by mail provisions of section 312-a and where the party served under those provisions failed without good cause to return a duly executed acknowledgment of such service as required, except that if the action or proceeding is for money only based upon a consumer credit transaction where the amount demanded is not more than $3000, the amount of reimbursement under this provision shall not exceed twenty-five dollars.*

§4. Section four hundred three of the New York City civil court act, as amended by chapter five hundred twenty-three of the laws of nineteen hundred sixty-five, is amended to read as follows:

§403. Summons; method and place of service. Service of summons shall be made in the manner prescribed in supreme court practice, *including the optional method of service by mail authorized by CPLR 312-a,* but it shall be made only within the city of New York unless service beyond the city be authorized by this act or by such other provision of law, other than the CPLR, as expressly applies to courts of limited jurisdiction or to all courts of the state.

§5. A new section, to be section nineteen hundred eight-a of the New York city civil court act, is enacted to read as follows:

§1908-a. Disbursement where service of process by mail is not acknowledged. In any action where service of process is made by mail pursuant to CPLR 312-a, the party serving process is entitled, in accordance with the provisions of that section, to reimbursement as a disbursement of the expenses incurred for the employment of an alternative method of service, if the party served has failed to return a duly executed acknowledgment of receipt of service by mail.

§6. Section four hundred three of the uniform district court act, as amended by chapter nine hundred sixty-two of the laws of nineteen hundred sixty-five, is amended to read as follows:

§403. Summons; method and place of service. Service of summons shall be made in the manner prescribed in supreme court practice, *including the optional method of service by mail authorized by CPLR 312-a,* but it shall be made only within the county unless service beyond the county be authorized by this act or by such other provision of law, other than the CPLR, as expressly applies to courts of limited jurisdiction or to all courts of the state.

§7. A new section, to be section nineteen hundred eight-a of the uniform district act, is enacted to read as follows:

§1908-a. Disbursement when service of process by mail is not acknowledged. In any action where service of process is made by mail pursuant to CPLR 312-a, the party serving process is entitled, in accordance with the provisions of that section, to reimbursement as a disbursement of the expenses incurred for the employment of an alternative method of service, if the party served has failed to return a duly executed acknowledgment of receipt of service by mail.

§8. Section four hundred three of the uniform city court act is amended to read as follows:

§403. Summons; method and place of service. Service of summons shall be made in the manner prescribed in supreme court practice, *including the optional method of service by mail authorized by CPLR 312-a,* but it shall be made only within the county unless service beyond the county be authorized by law in this act or elsewhere.

§9. A new section, to be section nineteen hundred eight-a of the uniform city court act, is enacted to read as follows:

§1908-a. Disbursement where service of process by mail not acknowledged. In any action where service of process is made by mail pursuant to CPLR 312-a, the party serving process is entitled, in accordance with the provisions of that section, to reimbursement as a disbursement of the expenses incurred for the employment of an alternative method of service, if a party served has failed to return a duly executed acknowledgment of receipt of service by mail.

§*10.* Section four hundred three of the uniform justice court act is amended to read as follows:

§403. Summons; method and place of service. Service of summons shall be made in the manner prescribed in supreme court practice, *including the optional method of service by mail authorized by CPLR 312-a,* but it shall be made only within the county.

§11. A new section, to be section nineteen hundred eight-a of the uniform justice court act, is enacted to read as follows:

§1908-a Disbursement where service of process by mail is not acknowledged. In any action where service of process is made by mail pursuant to CPLR 312-a, the party serving process is entitled, in accordance with the provisions of that section, to reimbursement as a disbursement of the expenses incurred for the employment of an alternative method of

service, if the party served has failed to return a duly executed acknowledgment of receipt of service by mail.

§12. This act shall take effect on the first day of January next succeeding the date on which it becomes a law.

2. Validity of service of process in certain circumstances (CPLR 308) (last, undesignated paragraph) (modified measure)

The Committee recommends that CPLR 308 be amended by adding a new undesignated paragraph at the end of the section to provide that if a good faith effort has been undertaken to make service pursuant to subdivision 2, or subdivision 4 when applicable, and one of the two acts of service prescribed has not been effected, a showing that the defendant has obtained actual notice through the other act shall be sufficient to sustain the service. Of course, completion of service in such a case would include the filing of proof of service with the clerk of court.

In the interest of basic fairness, the proposal is designed in a carefully limited manner to prevent recurrence of the harsh outcome of *Feinstein* v. *Bergner*, 48 N.Y. 2d 234 (1978). In that wrongful death action, the plaintiff-widow, having failed, after a diligent attempt, to comply with the service requirement of CPLR 308(2) (deliver and mail), was relegated to, and with due diligence tried unsuccessfully to comply with, subdivision 4 thereof (affix and mail). The Court of Appeals, with a strong dissent, held that, even though defendant had in fact received timely notice and the limitations period had shortly thereafter elapsed, the service was fatally defective because, while plaintiff had properly mailed process to defendant's "last known residence," she had not satisfied the additional requirement of affixing process to the door of defendant's "dwelling place" or "usual place of abode," affixing it rather to the door of his "last known residence," for she had no reason to believe it was not his "dwelling place" or "usual place of abode."

The result in *Feinstein* makes it clear that the text of the cited subdivision, even as amended by Chapter 115 of the Laws of 1987, is not flexible enough to provide the full measure of justice desired in such troublesome, even if infrequent, situations. While subdivisions 2 and 4 will correctly remain as the appropriate general standard in most cases where utilized, the proposed new paragraph would extend justifiable relief under exceptional circumstances such as those in the *Feinstein* case.

Proposal

AN ACT

To amend the civil practice law and rules, in relation to the validity of service of process in certain circumstances

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three hundred eight of the civil practice law and rules, as amended by chapter one hundred fifteen of the laws of nineteen hundred eighty-seven, is amended by adding thereto, at the end thereof, a new undesignated paragraph, to read as follows:

If a good faith effort has been undertaken to make service pursuant to subdivision two, or subdivision four when applicable, and one of the two acts of service prescribed has not been validly effected, it shall be sufficient to sustain the service if the defendant has obtained actual notice through the other act.

§2. This act shall take effect on the first day of January next succeeding the date on which it becomes a law.

3. Personal Service Upon a Natural Person (CPLR 308(2) (4)) (modified measure)

The Committee recommends that CPLR 308(2) (4) be amended to improve and clarify the procedure for completion and filing of service of process. This recommendation is based upon a suggestion of the Association of Justices of the Supreme Court of the State of New York.

CPLR 308(2) provides for an alternative to personal delivery by leaving the summons with a person of suitable age and discretion at the defendant's actual place of business, dwelling place or usual place of abode, and by mailing the summons to the defendant either at his or her last known residence or actual place of business. CPLR 308(4) provides that where neither service by personal delivery nor "leave and mail" service can be effected with due diligence, substituted service may be completed by affixing the summons to the door of defendant's actual place of business, dwelling place or usual place of abode, and by mailing the summons either to defendant's last known residence or actual place of business. Each subdivision further provides that within twenty days thereafter proof of such service shall be filed with the clerk of the appropriate court, and that service is completed ten days after filing.

Left unstated in each of the respective provisions is the time within which the leaving and mailing or the nailing and mailing shall be effected. This may give rise to an undesirable time lapse between the leaving and mailing or between the nailing and mailing of the summons and, ultimately, to an undesirable delay in completion of service and final disposition. In order to eliminate the potential for such delay, it is recommended that provision be made so that, under subdivision (2), both the leaving and the mailing be effected within twenty days of each other, and under subdivision (4), both the nailing and the mailing likewise be effected within twenty days of each other. By so limiting the time for completion of both steps in each instance, the proposal would result in reduction of delay in filing and completion of service under the cited subdivisions. Incidental conforming language would be substituted in both provisions.

Proposal

AN ACT

To amend the civil practice law and rules, in relation to personal service upon a natural person

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision two of section three hundred eight of the civil practice law and rules, as amended by chapter one hundred fifteen of the laws of nineteen hundred eighty-seven, is amended to read as follows:

2. by delivering the summons within the state to a person of suitable age and discretion at the actual place of

business, dwelling place or usual place of abode of the person to be served and by either mailing the summons to the person to be served at his *or her* last known residence or by mailing the summons by first class mail to the person to be served at his *or her* actual place of business in an envelope bearing the legend "personal and confidential" and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served, *such delivery and mailing to be effected within twenty days of each other;* proof of such service shall be filed [within twenty days thereafter] with the clerk of the court designated in the summons *within twenty days of either such delivery or mailing, whichever is effected later;* service shall be complete ten days after such filing; proof of service shall identify such person of suitable age and discretion and state the date, time and place of service, except in matrimonial actions where service hereunder may be made pursuant to an order made in accordance with the provisions of subdivision a of section two hundred thirty-two of the domestic relations law; or

§2. Subdivision four of section three hundred eight of such law and rules, as amended by chapter one hundred fifteen of the laws of nineteen hundred eighty-seven, is amended to read as follows:

4. where service under paragraphs one and two cannot be made with due diligence, by affixing the summons to the door of either the actual place of business, dwelling place or usual place of abode within the state of the person to be served and by either mailing the summons to such person at his *or her* last known residence or by mailing the summons by first class mail to the person to be served at his *or her* actual place of business in an envelope bearing the legend "personal and confidential" and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served, *such affixing and mailing to be effected within twenty days of each other;* proof of such service shall be filed [within twenty days thereafter] with the clerk of the court designated in the summons *within twenty days of either such affixing or mailing, whichever is effected later;* service shall be complete ten days after such filing, except in matrimonial actions where service hereunder may be made pursuant to an order made in accordance with the provisions of subdivision a of section two hundred thirty-two of the domestic relations law;

§3. This act shall take effect on the first day of January next succeeding the date on which it becomes a law.

4. Disclosure
(CPLR Article 31) (modified measure)

The Committee recommends the general revision of CPLR Article 31 (Disclosure) in order to ensure fairness to litigants and to effect the expeditious disposition of civil actions.

This measure would amend Article 31 of the Civil Practice Law and Rules (Disclosure) to ensure (1) liberalization of disclosure and (2) reduction of motion practice by more informal procedures.

An explanatory commentary upon this measure follows:

Section 3101

Subdivision (a)

The preamble of subdivision (a) of section 3101 would be clarified to permit disclosure of "matter" that is material and necessary, conforming to the standard set forth in *Allen v. Crowell-Collier Publishing Co.*, 21 N.Y. 2d 403 (1968).

With respect to matrimonial actions and custody and visitation proceedings, however, the Committee does not intend to affect existing or evolving statutes and decisional law as to the availability of disclosure.

While the Advisory Committee is recommending liberalization of disclosure and the streamlining of disclosure procedures, it notes that protection against abuse of disclosure procedures is afforded by the power of the court under section 3103(a) to make a protective order "to prevent unreasonable annoyance, expense, embarrassment, disadvantage, or other prejudice to any person or the courts" as well as by the requirement for special circumstances under section 3101(a) (3) or for a statement of circumstances or reasons for disclosure under section 3101(a) (4).

Section 3101(a) (3) would be amended to list persons authorized to practice dentistry or podiatry so that it technically conforms to section 3101(d) (1) (i) (ii) which relates to disclosure by medical, dental and podiatric experts.

Subdivision (b)

Subdivision (b) would be clarified to provide that the privilege in question may be invoked not only by a party to the action but also by any other person entitled to assert the privilege.

Subdivision (h)

The CPLR does not contain a provision comparable to Fed. R. Civ. P. 26(e) explicitly requiring a party under certain circumstances promptly to supplement or amend responses to disclosure requests. New subdivision (h) would incorporate the substance of the federal rule, which, the Committee believes, establishes a reasonable balance between the need to maintain the integrity of responses to disclosure requests and the need to avoid imposing on a party a burdensome obligation to review and update on a continuing basis responses to disclosure requests. New subdivision (h) would apply to all disclosure devices. Provision is made, tracking CPLR 3101(d) (1) (i) as enacted by Chapter 294 of the Laws of 1985, for introduction of evidence at trial in the court's discretion where the information was received too close to trial to provide sufficient time for amendment of the response.

Rule 3102(c)

The requirement for the recording of depositions and documents obtained for an action involving title to real property would be deleted. The Committee believes that the inconvenience of such recording and the possibility that it might create an unjustified cloud on title to property outweighs what little benefit such recording might have in alerting title searchers to any claim involving title to the property in question.

Section 3102(f)

Subdivision (f) would be amended to strike the prohibition against using interrogatories or requests for admissions against the State as party in light of *Vista Business Equipment, Inc. v. State of New York*, N.Y.L.J., p.12, col. 3, 1/23/86 (Court of Claims).

Section 3103(a)

Subdivision (a) would be amended to make it clear that any person who is the subject of a discovery request, whether or not a party or a witness, is entitled to move for a protective order.

Rule 3113(a)(2)

The amendment would eliminate a formal discrepancy between federal and state practice created by the 1980 amendment to Fed. R. Civ. P. 28(a).

Rule 3116(a)

The amendment would eliminate the requirement that a deposition be signed by the officer before whom it was taken if the witness fails or refuses to sign it. The requirement, which is inconvenient to comply with if the officer is not readily located, serves no significant purpose, since the officer must in any event rely upon representations or statements of a party or the witness as to the fact that the latter failed or refused to sign the deposition and the reasons therefor.

Rule 3120(a)

The purpose of the requirement in Rule 3120(a) that a party designate the items he or she seeks to inspect should be to enable the party served with the notice to determine what items are requested and to enable the court to determine whether the requested items have been produced. *Cf.* 8 Wright & Miller, *Federal Practice and Procedure* §2211 at 631. The present requirement that the requested items be "specifically" designated lends itself to a restrictive interpretation under which technical defects may frustrate reasonable discovery requests. In addition, a party frequently must conduct a deposition in order to obtain the information enabling that party to designate the requested items with the required specificity. *See, e.g., King* v. *Morris*, 57 A.D.2d 530 (1st Dept. 1977). This result has been justified on the theory that the deposition may be necessary for proper resolution of objections to the discovery request. *Rios* v. *Donovan*, 21 A.D.2d 409, 413-14 (1st Dept. 1964). The Committee believes that a party who can reasonably identify a requested item or category of items should not need to conduct a deposition in order to establish the existence and specific identities of the requested items. In most instances, the Committee believes, pretrial discovery will be conducted more efficiently and effectively if a party can obtain materials for use in preparing for a deposition. If the party to whom the request is made objects on the ground that it is unduly burdensome, includes materials which are not discoverable, or is improper in some similar respect, the party should state the objections pursuant to Rule 3122 "rather than seeking shelter behind a claim of insufficient designation." 8 Wright & Miller, *supra*, at 634.

Rule 3122

The amendment of Rule 3122 is intended to reduce the volume of motion practice arising out of disclosure procedures by eliminating the requirement that objections to requests for production of documents or other things or for physical or mental examinations be made by motion. The Committee believes that the notice procedure required by the amendment would encourage parties to resolve disputes concerning such requests without court intervention. In the event that a dispute is not so resolved, the party seeking disclosure may move for an order compelling disclosure pursuant to the proposed new Section 3124.

The proposed amendment to Rule 3122 also would enlarge the time for objecting to a disclosure request.

Rule 3124 (new)

Rule 3124 would be revised to achieve greater clarity and simplicity and to delete the requirement that a person move for a protective order in order to preserve objections to a disclosure request. This should encourage parties to resolve disputes over disclosure matters on their own without resort to the Court and also should serve to narrow the scope of motions regarding disclosure matters, since ordinarily the motion would be made as a motion to compel disclosure after the person from whom disclosure was sought had complied with so much of the disclosure request as to which no objection was raised. Such narrowing of issues, particularly under IAS, would help to speed up the disposition of cases.

The reference to the right of a party to obtain local remedies for failure to comply with a disclosure request would be deleted as unnecessary; the Committee does not intend to suggest that Section 3124 preempts other applicable law.

Section 3126

The substitution of the clause "this article" for "notice duly served" would make it clear that a willful failure to disclose information within the meaning of section 3126 includes a willful failure to amend or supplement a response to a disclosure request as required under new subdivision (h) of section 3101.

Rule 3132

The first sentence of Rule 3132 would be deleted as unnecessary in view of the first sentence of subdivision (1) of section 3130. The prescriptive period during which a plaintiff may not serve interrogatories upon a defendant would be revised to parallel the amendment of Rule 3106. The amendment also would delete, as an unnecessary formality, the requirement that a defendant obtain leave of court in order to serve interrogatories upon the plaintiff within five days of service of the summons and complaint, and would conform Rule 3132 to Rule 3106 by removing the clause permitting a party to obtain special priority through an *ex parte* motion.

Rule 3133

The amendment of Rule 3133 would consolidate present Rules 3133 and 3134. Paralleling the proposed amendment of rule 3122, subdivision (a) of Rule 3133 would be amended to eliminate the requirement that an objection to an interrorgatory be made by motion. Subdivision (b) of Rule 3133 would be deleted as unnecessary in light of the amendment of subdivision (a).

Rule 3134

Rule 3134 would be deleted since its provisions would be incorporated into the amended Rule 3133.

Section 3140

Section 3140 would be amended to correct a misspelling in the caption and to clarify that the responsibility for making procedural rules governing the exchange of appraisal reports is vested in the Chief Administrator of the Courts in conformity with Judiciary Law, section 212(2)(d). (*See also* 22 NYCRR 202.59, 202.60, 202.61). This amendment also is in furtherance of one of the purposes of this measure, the assurance of greater statewide uniformity with respect to disclosure procedures.

Proposal

AN ACT

To amend the civil practice law and rules, in relation to disclosure

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions (a) and (b) of section thirty-one hundred one of the civil practice law and rules, as paragraph three of subdivision (a), was amended by chapter two hundred sixty-eight of the laws of nineteen hundred seventy-nine, and as paragraph four of subdivision (a), was amended by chapter two hundred ninety-four of the laws of nineteen hundred eighty-four, are amended to read as follows:

(a) Generally. There shall be full disclosure of all [evidence] *matter* material and necessary in the prosecution or defense of an action, regardless of the burden of proof, by:

(1) a party, or the officer, director, member, agent or employee of a party;

(2) a person who possessed a cause of action or defense asserted in the action;

(3) a person about to depart from the state, or without the state, or residing at a greater distance from the place of trial than one hundred miles, or so sick or infirm as to afford reasonable grounds of belief that he will not be able to attend the trial, or a person authorized to practice medicine, *dentistry or podiatry* who has provided medical, *dental or podiatric* care or diagnosis to the party demanding disclosure, or who has been retained by him as an expert witness; and

(4) any other person, upon notice stating the circumstances or reasons such disclosure is sought or required.

(b) Privileged matter. Upon objection by a party, *or by a person entitled to assert the privilege,* privileged matter shall not be obtainable.

§2. Section thirty-one hundred one of such law and rules is amended by adding a new subdivision to be subdivision (h), to read as follows:

(h) Amendment or supplementation of responses. A party who has responded to a request for disclosure promptly shall amend or supplement the response upon the party's thereafter obtaining information that the response was incorrect or incomplete when made, or that the response, though correct and complete when made, no longer is correct and complete, and the circumstances are such that a failure to amend or supplement the response would be materially misleading. Where a party obtains such information an insufficient period of time before the commencement of trial appropriately to amend or supplement the response, the party shall not thereupon be precluded from introducing evidence at the trial solely on grounds of noncompliance with this subdivision. In that instance, upon motion of any party, made before or at trial, or on its own initiative, the court may make whatever order may be just. Further amendment or supplementation may be obtained by court order.

§3. Subdivision (c) of rule thirty-one hundred two of such law and rules is amended to read as follows:

(c) Before action commenced[; real property actions]. Before an action is commenced, disclosure to aid in bringing an action, to preserve information or to aid in arbitration, may be obtained, but only by court order. The court may appoint a referee to take testimony. [Where such disclosure is obtained for use in an action involving title to real property the deposition or other document obtained shall be promptly recorded in the office of the clerk of the county in which the real property is situated.]

§4. Subdivision (f) of section thirty-one hundred two of such law and rules, as amended by chapter two hundred ninety-four of the laws of nineteen hundred eighty-four, is amended to read as follows:

(f) Action to which state is party. In an action in which the state is properly a party, whether as plaintiff, defendant or otherwise, disclosure by the state shall be available as if the state were a private person[, except that it may not include interrogatories or requests for admission].

§5. Subdivision (a) of section thirty-one hundred three of such law and rules is amended to read as follows:

(a) Prevention of abuse. The court may at any time on its own initiative, or on motion of any party [or witness] *or of any person from whom discovery is sought,* make a protective order denying, limiting, conditioning or regulating the use of any disclosure device. Such order shall be designed to prevent unreasonable annoyance, expense, embarrassment, disadvantage, or other prejudice to any person or the courts.

§6. Paragraph two of subdivision (a) of rule thirty-one hundred thirteen of such law and rules is amended to read as follows:

2. Without the state but within the United States or within a territory or possession subject to the [dominion] *jurisdiction* of the United States, a person authorized to take acknowledgments of deeds outside of the state by the real property law of the state or to administer oaths by the laws of the United States or of the place where the deposition is taken; and

§7. Subdivision (a) of rule thirty-one hundred sixteen of such laws and rules, as amended by chapter two hundred ninety-two of the laws of nineteen hundred seventy-eight, is amended to read as follows:

(a) Signing. The deposition shall be submitted to the witness for examination and shall be read to or by him, and any changes in form or substance which the witness desires to make shall be entered at the end of the deposition with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness before any officer authorized to administer an oath [, except that a witness who is an adverse party shall not be required to sign such deposition upon thirty days prior written notice to return the examination signed]. If [a] *the* witness[, other than an adverse party,] fails to sign the deposition, [the officer before whom the deposition was taken shall sign it and state on the record the fact of the witness' failure or refusal to sign, together with any reason given. The deposition] *it* may [then] be used as fully as though signed.

§8. Subdivision (a) of rule thirty-one hundred twenty of such law and rules, as redesignated by chapter three hundred fifteen of the laws of nineteen hundred sixty-two, and as amended by chapter two hundred ninety-four of the laws of nineteen hundred eighty-four, is amended to read as follows:

(a) As against party:

1. After commencement of an action, any party may serve on any other party notice:

(i) to produce and permit the party seeking discovery, or someone acting on his behalf, to inspect, copy, test or photograph any [specifically] designated documents or any things which are in the possession, custody or control of the party served [, specified with reasonable particularity in the notice]; or

(ii) to permit entry upon designated land or other property in the possession, custody or control of the party served for the purpose of inspecting, measuring, surveying, sampling, testing, photographing or recording by motion pictures or otherwise the property or any [specifically] designated object or operation thereon.

2. The notice shall specify the time, which shall be not less than twenty days after service of the notice, and the place and manner of making the inspection, copy, test or photograph or of the entry upon the land or other property *and, in the case of an inspection, copying, testing or photographing, shall set forth the items to be inspected, copied, tested or photographed by individual item or by category, and shall describe each item and category with reasonable particularity.*

§9. Rule thirty-one hundred twenty-two of such law and rules, as amended by chapter eighty of the laws of nineteen hundred seventy-nine, is amended to read as follows:

Rule 3122. Objection to [discovery] *disclosure,* inspection or examination. Within [ten] *twenty* days of service of a notice under rule 3120 or section 3121, [a] *the* party [may serve a notice of motion for a protective order, specifying his objections] *to whom the notice is directed, if that party objects to the disclosure, inspection or examination, shall serve a response which shall state with reasonable particularity the reasons for each objection. If objection is made to part of an item or category, the part shall be specified. The party seeking disclosure under rule 3120 or section 3121 may move for an order under rule 3124 with respect to any objection to, or other failure to respond to or permit inspection as requested by, the notice or any part thereof.*

§10. Rule thirty-one hundred twenty-four of such law and rules is REPEALED, and a new section thirty-one hundred twenty-four is added, to read as follows:

§3124. Failure to disclose; motion to compel disclosure. If a person fails to respond to or comply with any request, notice, interrorgatory, demand, question or order under this article, except a notice to admit under section 3123, the party seeking disclosure may move to compel compliance or a response.

§11. Section thirty-one hundred twenty-six of such law and rules, as amended by chapter forty-two of the laws of nineteen hundred seventy-eight, is amended to read as follows:

§3126. Penalties for refusal to comply with order or to disclose. If any party, or a person who at the time a deposition is taken or an examination or inspection is made [,] is an officer, director, member, employee or agent of a party or otherwise under a party's control, refuses to obey an order for disclosure or willfully fails to disclose information which the court finds ought to have been disclosed pursuant to [notice duly served] *this article,* the court may make such orders with regard to the failure or refusal as are just, among them:

1. an order that the issues to which the information is relevant shall be deemed resolved for purposes of the action in accordance with the claims of the party obtaining the order; or

2. an order prohibiting the disobedient party from supporting or opposing designated claims or defenses, from producing in evidence designated things or items of testimony, or from introducing any evidence of the physical, mental or blood condition sought to be determined, or from using certain witnesses; or

3. an order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or any part thereof, or rendering a judgment by default against the disobedient party.

§12. Rule thirty-one hundred thirty-two of such law and rules, as added by chapter four hundred twenty-two of the laws of nineteen hundred sixty-three, is amended to read as follows:

Rule 3132. [Service] *Normal priority* of interrogatories. [After commencement of an action, any party may serve upon any other party written interrogatories.] If service *of written interrogatories* is made by any plaintiff upon any defendant [within twenty days after service upon him of the summons and complaint, or service is made by any defendant upon the plaintiff within five days after service upon him of the summons and complaint] *before that defendant's time for serving a responsive pleading has* *expired*, leave of court [granted with or without notice] *on motion with notice* must be obtained. A copy of the interrogatories and of any order made under this rule shall be served on each party.

§13. Rule thirty-one hundred thirty-three of such law and rules, as added by chapter four hundred twenty-two of the laws of nineteen hundred sixty-three, is amended to read as follows:

Rule 3133. [Objections] *Service of answers or objections* to interrogatories. (a) [When objection may be made] *Service of an answer or objection.* Within [ten] *twenty* days after service of interrogatories, the party upon whom they are served [may move upon notice to strike out any interrogatory, stating the grounds for objection.

(b) Suspension pending ruling. The answer to any interrogatory to which objection is made shall be deferred until the objections are ruled on by the court] *shall serve upon each of the parties a copy of the answer to each interrogatory, except one to which the party objects, in which event the reasons for the objection shall be stated with reasonable particularity.*

(b) Form of answers and objections to interrogatories. Interrogatories shall be answered in writing under oath by the party upon whom served, if an individual, or, if the party served is a corporation, a partnership or a sole proprietorship, by an officer, director, member, agent or employee having the information. Each question shall be answered separately and fully, and each answer shall be preceded by the question to which it responds. Objections to interrogatories shall be signed by the attorney for the party making them.

(c) Amended answers. Except with respect to amendment or supplementation of responses pursuant to subdivision (h) of section 3101, answers to interrogatories may be amended or supplemented only by order of the court upon motion.

§14. Rule thirty-one hundred thirty-four of such law and rules is REPEALED.

§15. Section thirty-one hundred forty of such law and rules, as added by chapter six hundred forty of the laws of nineteen hundred-sixty-seven, is amended to read as follows:

§3140. Disclosure of appraisals in proceedings for [condemnanation] *condemnation*, appropriation or review of tax assessments. Notwithstanding the provisions of subdivisions (c) and (d) of section 3101, the [appellate division in each judicial department] *chief administrator of the courts* shall adopt rules governing the exchange of appraisal reports intended for use at the trial in proceedings for condemnation, appropriation or review of tax assessments.

§16. This act shall take effect on the first day of January next succeeding the date on which it becomes a law.

REPEAL NOTE: Rule 3124, relating to motion to compel disclosure, would be REPEALED and replaced by new section 3124. Rule 3134, relating to answers to interrogatories, would be REPEALED and the matter inserted in rule 3133.

5. Withdrawal of Demand for Trial by Jury (CPLR 4102(a)) (modified measure)

The Committee recommends that CPLR 4102(a) be amended to provide that a party may not withdraw a demand for trial by jury without the consent of other parties, even where another party had filed a note of issue without a jury demand.

It has been brought to the attention of the Committee that there are occasions where a plaintiff files a note of issue without demanding a jury and, thereupon, the defendant files a jury demand. In some such instances the defendant later may withdraw that demand, perhaps on the eve of trial or even after a jury panel has been selected. Thus, a defendant may secure the benefit of substantial delay occasioned by the jury demand and wait until the last minute to decide whether trial by jury is likely to be beneficial to him, retaining until that time a unilateral right to keep or disband a jury.

While CPLR 4102(a) nominally would seem to preclude this tactic by requiring the consent of all parties to the withdrawal of a jury demand, the courts have carved an exception to the consent requirement. In *Gonzalez* v. *Concourse Plaza Syndicates, Inc.*, 41 N.Y.2d 414 (1977), the Court of Appeals held that the consent of a party to the withdrawal of a jury demand is not required where that party previously had filed a note of issue waiving the right to trial by jury.

The courts have criticized the tactic permitted by the interpretation of CPLR 4102(a) in the *Gonzalez* case. In *Wright* v. *Centurion Investigations*, 113 Misc.2d 150 (App. Term, 2d Dept., 1982), the Appellate Term refused to allow a plaintiff to file a jury demand *nunc pro tunc*, where the plaintiff had not demanded a jury in the note of issue and the defendant had thereafter filed and later withdrew a jury demand. The concurring opinion in that case stated, at p. 151, as follows:

> I concur with the result based upon the present state of the law. However, I deplore the "gamesmanship" practiced by defendants-appellants. . . Appellants filed a jury demand, thereby delaying the trial of the action. Thereafter, as the matter was about to be tried and the jury selection process had begun, appellants sought to withdraw their jury demand over plaintiff's objections.
>
> Permitting a defendant to withdraw the demand at that point places a plaintiff at a decided disadvantage. Defendant, if satisfied with the prospective panel, will proceed to a trial by jury, whereas if he is not satisfied all he need do is withdraw his demand and obtain a nonjury trial. Plaintiff, however, has no such option. Such tactics should not be countenanced and it is suggested legislation be enacted to remedy the situation.

The Committee recommends that the statute be revised to provide that a party may not withdraw a demand for trial by jury without the consent of the other parties, regardless of whether another party previously filed a note of issue without a demand for trial by jury.

Proposal

AN ACT

To amend the civil practice law and rules, in relation to the withdrawal of a demand for trial by jury

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (a) of section forty-one hundred two of the civil practice law and rules, as amended by chapter nineteen of the laws of nineteen hundred sixty-eight, is amended to read as follows:

(a) Demand. Any party may demand a trial by jury of any issue of fact triable of right by a jury, by serving upon all other parties and filing a note of issue containing a demand for trial by jury. Any party served with a note of issue not containing such a demand may demand a trial by jury by serving upon each party a demand for a trial by jury and filing such demand in the office where the note of issue was filed within fifteen days after service of the note of issue. A demand shall not be accepted for filing unless a note of issue is filed in the action. If no party shall demand a trial by jury as provided herein, the right to trial by jury shall be deemed waived by all parties. A party may not withdraw a demand for trial by jury without the consent of the other parties, *regardless of whether another party previously filed a note of issue without a demand for trial by jury.*

§2 This act shall take effect on the first day of January next succeeding the date on which it becomes a law.

6. Notification of Application for Temporary Restraining Order
(CPLR 6313(a)) (modified measure)

The Committee recommends that CPLR 6313(a) be amended to regularize the giving of notification to other parties upon application for a temporary restraining order, thereby curtailing unwarranted *ex parte* orders for such relief by introducing a simple and expeditious method that also would provide for TROs without such notification when appropriate.

This measure would provide that the application for a TRO shall be made on notification to the other parties unless the plaintiff shows, by affidavit or affirmation, that the giving of notification, even if by telephone or other direct communication, is impracticable or would defeat the purpose of the order. If the court grants the TRO without notification, the court shall state in the order the reason for dispensing with notification. The term "notification" is used in preference to the term "notice" to make it clear that the notification to other parties required upon application for a TRO is not the formal eight days' notice required for a formal motion.

The aim of a preliminary injunction is to prevent irreparable injury or to preserve the status quo between parties to litigation pending final judgment. The aim of a temporary restraining order is to accomplish the same ends while application is being made for a preliminary injunction. Given this function, it frequently is assumed that each instance of an application for a temporary restraining order is one in which the urgency of the interim injunctive relief being sought is too great to allow for time spent to notify the other side. The experience of most judges, however, suggests that while occasionally there is a showing of an exigency that warrants completely dispensing with such notice, many cases involve no such urgency, and no prejudice will ensue to any party where steps are taken to give notification of the application for the order.

This measure is designed to expedite the entire procedure for obtaining a TRO while providing for notification to other parties. Prior notifiction should be regarded as the norm, thereby avoiding a two-step procedure under which notification is not given until ordered by the court, and the application must then be resubmitted to the court.

The Committee also recommends the amendment of the provision barring a TRO against a public officer, board, or municipal corporation to restrain the performance of statutory duties to reflect current practice of allowing applications for TROs against public entities but to require prior notification to the public entity that a TRO is being requested.

Proposal

AN ACT

To amend the civil practice law and rules, in relation to notification of application for a temporary restraining order

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (a) of section sixty-three hundred thirteen of the civil practice law and rules, as amended by chapter two hundred thirty-five of the laws of nineteen hundred eighty-two, is amended to read as follows:

(a) Generally. If, on a motion for a preliminary injunction, the plaintiff shall show that immediate and irreparable injury, loss or damages will result unless the defendant is restrained before a hearing can be had, a temporary restraining order may be granted without notice. *Notification of an application for a temporary restraining order shall, however, be given to the defendant unless the plaintiff shows, by affidavit or affirmation, that the giving of such notification, even if by telephone or other direct communication, is impracticable or would defeat the purpose of the order. If the court grants the temporary restraining order without notification, the court shall state in the order the reason for dispensing with notification.* Upon granting a temporary restraining order, the court shall set the hearing for the preliminary injunction at the earliest possible time. No temporary restraining order may be granted in an action arising out of a labor dispute as defined in section eight hundred seven of the labor law[.]; nor *may be granted without notification,* against a public officer, board or municipal corporation of the state to restrain the performance of statutory duties.

§2. This act shall take effect on the first day of January next succeeding the date on which it becomes a law.

7. Costs in Removed Actions
CPLR 8104 (new measure)

The Committee recommends that CPLR 8104 be amended to provide that in an action removed from the Supreme Court to a court of limited jurisdiction, costs shall be awarded, within the limits fixed by CPLR 8102, as if the action had remained in the Supreme Court, unless the order of the court of limited jurisdiction provides otherwise.

The proposal was prompted by suggestions from practitioners that removal of an action commenced in Supreme court to a court of limited jurisdiction pursuant to CPLR 325(d), without consent of the parties, is inequitable, if the parties, regardless of the amount of the eventual recovery, are restricted to the recovery of the costs awardable by the court of limited jurisdiction. Such practitioners agree that while it is appropriate to reduce costs upon consensual removal under CPLR 325(c), such is not the case where removal is not consensual under CPLR 325(d), where the plaintiff may recover in excess of the lower court's jurisdictional limit.

The proposed amendment of CPLR 8104 would balance the equities by allowing recovery of the higher costs when removal is effected pursuant to CPLR 325(d), with further provision that the court to which the action is removed may order otherwise, and that the costs will be limited by CPLR 8102 (Limitation of costs where action is brought in higher court).

Proposal

AN ACT

To amend the civil practice law and rules, in relation to costs in removed action

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-one hundred four of the civil practice law and rules is amended to read as follows:

§8104. Costs in consolidated, severed or removed actions. Where two or more actions are consolidated, costs shall be awarded in the consolidated action as if it had been instituted as a single action, unless the order of consolidation otherwise provides. Where an action is severed into two or more actions, costs shall be awarded in each such action as if it had been instituted as a separate action, unless the order of severance otherwise provides. Where an action is removed, costs in the action shall be awarded as if it had [been instituted] *remained* in the court [to] *from* which it [is] *was* removed, *as limited by section 8102*, unless the order of [removal] *the court to which the action is removed* otherwise provides.

§2. This act shall take effect on the first day of January next succeeding the date on which it becomes a law.

8. Costs in Actions in Courts of Limited Jurisdiction (NYCCCA §§1901 (new), 1903 (new), 1904, 1906, 1906-a (new); same amendments in same provisions in UDCA and UCCA) (modified measure)

The Committee recommends that several uniform provisions of Article 19 of the New York City Civil Court Act, the Uniform District Court Act and the Uniform City Court Act be amended to (1) increase cost awards in the courts of limited jurisdiction; and (2) change the formula for calculating those amounts. The present cost amounts have been outmoded by inflation. In general, the existing computation formula, which gears a sliding scale of cost amounts to a matching scale of graduated recovery amounts in actions for money only, ill befits the expanded monetary jurisdiction of the lower courts. Provision is made, however, for certain exceptions that are critical in the practice of the courts of limited jurisdiction.

Proposed uniform section 1901 would be replaced by a new proposed section 1901, divided into subdivisions (a), (b) and (c). Subdivision (a) would set forth ordinary costs, and subdivision (b) would set forth limited costs in actions for a sum of money only where the amount recovered is not more than $6000. Each of these schedules would be graduated on a scale drawn from CPLR 8201, as follows: (a) the ordinary cost schedule of new uniform section 1901(a) would graduate from $50 for all proceedings before notice of trial, to $100 for all proceedings after notice of trial is filed and before trial, to $150 for each trial, inquest or damage assessment; (b) the limited cost schedule of new uniform section 1901(b) would employ the same timetable contained in subdivision 9a) but the graduated amounts would be reduced proportionately to $20, $35 and $60 for the three designated stages of the action or proceeding; new subdivision (c) would provide: "This section shall not apply to costs in a summary proceeding or in a small claims action," a self-explanatory provision. Cost amounts in summary proceedings are set forth in new uniform section 1906-a proposed in this bill, while costs in small claims remain discretionary.

The new cost formula, with the above-designated modifications and limitations, is designed to improve the efficiency of cost calculation as, with heightened monetary jurisdiction enacted by Chapter 11 of the Laws of 1984 to increase New York Civil Court jurisdiction from $10,000 to $25,000 and District Court jurisdiction from $6,000 to $15,000, the practice in the Supreme and County Courts has become generally more adaptable to the courts of limited jurisdiction. However, while costs should be raised in all actions, it is equitable to limit the increases in actions for money only where the judgment is for not more than $6,000, the maximum monetary jurisdiction of the mandatory arbitration program authorized by CPLR 3405. Therefore, two separate schedules of costs are recommended, ordinary costs for most actions and limited costs for actions where the judgment is for not more than $6,000.

The proposed incorporation of the CPLR model requires substitution of certain supplemental CPLR provisions to replace the superseded provisions in the Uniform Acts governing practice in the courts of limited jurisdiction. Accordingly, CPLR 8102, 8103, 8104, 8105 and 8106 would be incorporated by reference in new uniform section 1903, and present uniform sections 1902 and 1903 would be repealed, as they would be inapplicable under the proposal.

Uniform section 1904 would be amended to expunge the $150 absolute limit on costs in keeping with the general theme of the proposal.

Uniform section 1904 would be amended to expunge the $150 absolute limit on costs in keeping with the general theme of the proposal.

Uniform section 1906 would be amended to increase, from $10 to $50, the limit on discretionary costs in specified instances, including motions.

New uniform section 1906-a would be inserted to preserve the essential provisions on costs in a summary proceeding to recover possession of real property. At present, these provisions appear in subdivision (m) of uniform section 1903, but would be stricken in the general repeal of that section.

The special character of the town and village courts militates against including the Uniform Justice Court Act in this measure, and no amendments thereof are proposed.

The proposed changes would effect a reasonable increase in court costs, which is long overduje, as well as facilitate the computing of such costs in the light of altered realities in lower-court practice, with special provision made for actions in which recovery is limited.

While some of the proposed costs would exceed present costs in the Supreme Court, they are proportionately less than costs proposed in another measure recommended by the Advisory Committee to increase costs in the Supreme Court (*see* Proposal 6 at page 49 of this Report).

Proposal

AN ACT

To amend the New York city civil court act, the uniform district court act and the uniform city court act, in relation to costs in an action

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§1. Section nineteen hundred one of the New York city civil court act is REPEALED and a new section, to be section nineteen hundred one, is inserted, to read as follows:

§1901. Amount of costs in an action. (a) Ordinary costs. Except as provided in subdivisions (b) and (c) of this section, costs awarded in an action shall be in the amount of:

1. fifty dollars for all proceedings before a notice of trial is filed; plus

2. one hundred dollars for all proceedings after a notice of trial is filed and before trial; plus

3. one hundred fifty dollars for each trial, inquest or assessment of damages.

(b) Limited costs in certain actions. Costs awarded in an action for a sum of money only where the amount of the judgment is not more than $6,000, shall be in the amount of:

1. twenty dollars for all proceedings before a notice of trial is filed; plus

2. thirty-five dollars for all proceedings after a notice of trial is filed and before trial; plus

3. sixty dollars for each trial, inquest or assessment of damages.

(c) This section shall not apply to costs in a summary proceeding or in a small claims action.

§2. Section nineteen hundred two and section nineteen hundred three of such act are REPEALED, and a new section, to be section nineteen hundred three, is inserted to read as follows:

Section 1903. Costs; additional provisions. The provisions of CPLR 8102, 8103, 8104, 8105 and 8106 shall apply in actions and proceedings in this court.

§3. Section nineteen hundred four of such act, as added by chapter five hundred sixty-four of the laws of nineteen hundred sixty-three, and as subdivision (d) thereof was added by chapter four hundred ninety-one of the laws of nineteen hundred sixty-five, is amended to read as follows:

§1904. [Limitation on costs; certain] *Certain* costs added; additional allowance.

[(a) Limitation on costs. Except as provided in subdivisions (b) and (c), the costs provided for in this act shall in no event exceed $150.]

[(b)]*(a)* Certain costs added. Costs on appeal, and those awarded under §1102 of this act, may be added to the amount of costs otherwise applicable in the action.

[(c)] *(b)* Additional allowance.

1. Section 8302 of the CPLR, relating to an additional allowance of right in certain real property actions in which plaintiff has recovered judgment, shall apply in this court. The allowance so calculated shall be added to the amount of costs first calculated under other provisions of this article without reference to CPLR §8302.

2. Section 8303(a) of the CPLR, relating to an additional allowance in the court's discretion in certain actions, shall apply in this court to an action within its jurisdiction which falls within CPLR §8303(a). The allowance so calculated shall be added to the amount of costs first calculated under other provisions of this article without reference to CPLR §8303(a) [, but the resulting sum shall in no event exceed $500].

[(d)] *(c)* Discretionary allowance on enforcement motion. Section 8303(b) of the CPLR, relating to costs on a motion relating to the enforcement of a judgment, shall apply in this court without reference to the foregoing subdivision of this section.

§4. The unnumbered opening paragraph of section nineteen hundred six of such act, as such section was renumbered and amended by chapter five hundred sixty-four of the laws of nineteen hundred sixty-three, is amended to read as follows:

The court may in its discretion impose costs not exceeding [ten] *fifty* dollars in the following cases:

§5. A new section, to be section nineteen hundred six-a of such act, is inserted, to read as follows:

§1906-a. Costs in a summary proceeding. In a summary proceeding to recover possession of real property,

petitioner shall be allowed as costs for each necessary respondent served with the notice of petition by a person other than a sheriff or marshal, five dollars, and if there is a default in appearance by the respondent, the sum of five dollars for securing the affidavit that the respondent is not in military service, required by the statutes of the United States; plus, as a disbursement, the fee paid pursuant to §1911(k). Such costs shall be exclusive in such proceeding and shall constitute the sum to be awarded as costs by the judgment pursuant to §747 of the real property actions and proceedings law, except insofar as additional costs may be imposed pursuant to subdivision three of said section.

§6. Section nineteen hundred one of the uniform district court act is REPEALED and a new section, to be section nineteen hundred one, is inserted, to read as follows:

§1901. Amount of costs in an action. (a) Ordinary costs. Except as provided in subdivisions (b) and (c) of this section, costs awarded in an action shall be in the amount of:

1. fifty dollars for all proceedings before a notice of trial is filed; plus

2. one hundred dollars for all proceedings after a notice of trial is filed and before trial; plus

3. one hundred fifty dollars for each trial, inquest or assessment of damages.

(b) Limited costs in certain actions. Costs awarded in an action for a sum of money only where the amount of the judgment is not more than $6,000, shall be in the amount of:

1. twenty dollars for all proceedings before a notice of trial is filed; plus

2. thirty-five dollars for all proceedings after a notice of trial is filed and before trial; plus

3. sixty dollars for each trial, inquest or assessment of damages.

(c) This section shall not apply to costs in a summary proceeding or in a small claims action.

§7. Section nineteen hundred two and section nineteen hundred three of such act are REPEALED, and a new section, to be section nineteen hundred three, is inserted to read as follows:

Section 1903. Costs; additional provisions. The provisions of CPLR 8102, 8103, 8104, 8105 and 8106 shall apply in actions and proceedings in this court.

§8. Section nineteen hundred four of such act is amended to read as follows:

§1904. [Limitation of costs; certain] *Certain* costs added.

[(a) Limitation on costs. Except as provided in subdivision (b), the costs provided for in this act shall in no event exceed $150.

(b) Certain costs added.] Costs on appeal, and those awarded under §1102 of this act, may be added to the amount of costs otherwise applicable in the action.

§9. The unnumbered opening paragraph of section nineteen hundred six of such act is amended to read as follows:

The court may in its discretion impose costs not exceeding [ten] *fifty* dollars in the following cases:

§10. A new section, to be section nineteen hundred six-a of such act, is inserted, to read as follows:

§1906-a. Costs in a summary proceeding. In a summary proceeding to recover possession of real property, petitioner shall be allowed as costs for each necessary respondent served with the notice of petition by a person other than an enforcement officer, five dollars, and if there is a default in appearance by the respondent, the sum of five dollars for securing the affidavit that the respondent is not in military service, required by the statutes of the United States; plus, as disbursements, the fees paid pursuant to §1911(a)(1). Such costs shall be exclusive in such proceeding and shall constitute the sum to be awarded as costs by the judgment pursuant to §747 of the real property actions and proceedings law, except insofar as additional costs may be imposed pursuant to subdivision three of said section.

§11. Section nineteen hundred one of the uniform city court act is REPEALED, and a new section, to be section nineteen hundred one, is inserted, to read as follows:

1901. Amount of costs in an action. (a) Ordinary costs. Except as provided in subdivisions (b) and (c) of this section, costs awarded in an action shall be in the amount of:

1. fifty dollars for all proceedings before a notice of trial is filed; plus

2. one hundred dollars for all proceedings after a notice of trial is filed and before trial; plus

3. one hundred fifty dollars for each trial, inquest or assessment of damages.

(b) Limited costs in certain actions. Costs awarded in an action for a sum of money only where the amount of the judgment is not more than $6,000, shall be in the amount of:

1. twenty dollars for all proceedings before a notice of trial is filed; plus

2. thirty-five dollars for all proceedings after a notice of trial is filed and before trial; plus

3. sixty dollars for each trial, inquest or assessment of damages.

(c) This section shall not apply to costs in a summary proceeding or in a small claims action.

§12. Section nineteen hundred two and section nineteen hundred three of such act are REPEALED, and a new section, to be section nineteen hundred three, is inserted, to read as follows:

Section 1903. Costs; additional provisions. The provisions of CPLR 8102, 8103, 8104, 8105 and 8106 shall apply in actions and proceedings in this court.

§13. Section nineteen hundred four of such act is amended to read as follows:

§1904. [Limitation of costs; certain] *Certain* costs added.

[(a) Limitation on costs. Except as provided in subdivision (b), the costs provided for in this act shall in no event exceed $150.

(b) Certain costs added.] Costs on appeal, and those awarded under §1102 of this act, may be added to the amount of costs otherwise applicable in the action.

§14. The unnumbered opening paragraph of section nineteen hundred six of such act is amended to read as follows:

The court may in its discretion impose costs not exceeding [ten] *fifty* dollars in the following cases:

§15. A new section, to be section nineteen hundred six-a of such act, is inserted, to read as follows:

§1906-a. Costs in a summary proceeding. In a summary proceeding to recover possession of real property, petitioner shall be allowed as costs for each necessary respondent served with the notice of petition by a person other than an enforcement officer, five dollars, and if there is a default in appearance by the respondent, the sum of five dollars for securing the affidavit that the respondent is not in military service, required by the statutes of the United States; plus, as a disbursement, the fee paid pursuant to §1911(a)(11). Such costs shall be exclusive in such proceeding and shall constitute the sum to be awarded as costs by the judgment pursuant to §747 of the real property actions and proceedings law, except insofar as additional costs may be imposed pursuant to subdivision three of said section.

§16. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law; provided, however, that the increased costs it authorizes may be applied only to bills of costs entered on or after this date, regardless of when the claim accrued or the action was commenced.

REPEAL NOTE: Section 1901 of the New York City Civil Court Act, the Uniform District Court Act and the Uniform City Court Act is REPEALED and replaced in said acts by new section 1901. Sections 1902 and 1903 of said acts are repealed and replaced by new section 1903.

9. Time to Answer in District Court Actions (UDCA § 402) (new measure)

The Committee recommends that UDCA § 402 (a) (b) be amended so that a corporate defendant personally served within the county, which is the court's basic territorial jurisdiction, would be allowed twenty days from service within which to answer the summons.

UDCA §404 (a) now gives defendant to whom a summons is "personally delivered" within the county a ten-day answering period measured from service. Subdivision (b) lists all the basic types of service situations not specified in subdivision (a) and, with respect thereto, prescribes a thirty-day answering period running from filing of service with the clerk after completion thereof.

The Nassau County District Court contends that since "personal delivery" of a summons cannot be effected on a fictitious and inchoate corporate person except through a concrete "actual or statutory designee" as specified in subdivision (b), the thirty-day period in the latter subdivision applies, whether or not service is within the county. The Suffolk County District Court, however, opts to apply subdivision (a) where personal delivery to a corporate defendant is within the county. Neither approach is satisfactory, as several practitioners have noted, for under subdivision (a) the corporate defendant is cramped into a short ten-day answering period running from service, while pursuant to the plain meaning of subdivision (b), such defendant is given an overly long thirty-day answering period running from the filing of proof of service with the clerk after completion of service.

To resolve this inconsistent application of the statute, this measure would clarify and broaden UDCA §402(a) to provide that whether personal service upon a corporation is made pursuant to CPLR 311(1) or upon a natural person pursuant to CPLR 308(1), the time to answer shall be twenty days. Subdivision (b) of the same provision would be conformed and abbreviated by striking the litany of alternate service options set forth therein in order to provide that where the summons is served "otherwise than as designated in subdivision (a)", the defendant must appear and answer within the time prescribed by subdivision (b).

Proposal

AN ACT

To amend the uniform district court act, in relation to corporate defendant's time within which to appear and answer

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§1. Section four hundred two of the uniform district court act is amended to read as follows:

§402. Summons; time to appear and answer.

(a) If the summons is personally [delivered to the defendant] *served* within the county *on a natural person pursuant to CPLR 308(1), or on a corporation pursuant to CPLR 311(1),* it shall require [him] *the defendant* to appear and answer within [ten] *twenty* days after its service.

(b) If the summons is served[:

(1) by delivery to a person, including an actual or statutory designee, other than the defendant; or

(2) outside the county; or

(3) by publication; or

(4) by any means other] *otherwise* than [personal delivery to the defendant within the county] *as designated in subdivision (a),* it shall provide that the defendant must appear and answer within thirty days after proof of service is filed with the clerk.

§2. This act shall take effect on the first day of January next succeeding the date on which it becomes a law.

10. No Exemption from Payment of Jury Demand Fee in Certain Circumstances
(NYCCCA §1912-a (new); UDCA §1912-a (new); UCCA §1912-a (new); UJCA §1912-a (new)
(new measure)

The Committee recommends that the New York City Civil Court Act and the three Uniform Court Acts be amended by inserting therein a new section 1912-a to preclude exemption of any municipality sued by a claimant in a small claims action from payment of a jury demand fee.

This measure would make it clear, in new section 1912-a to be inserted in the New York City Civil Court Act, the Uniform District Court Act, the Uniform City Court Act and the Uniform Justice Court Act, that, notwithstanding any other provision of law, there shall be no exemption of New York City, or of any other municipality, as the case may be, or agencies or officers thereof, from payment of the prescribed clerk's fee upon demand for a jury trial. It is at present the practice of the clerks in the courts of limited jurisdiction to grant an exemption from payment of the jury demand fee by a municipality involved in litigation in such courts (*see* CPLR 8019(d), NYCCCA §1912(b), UDCA §1912(b), and 1977 Op. Atty. Gen., pp. 64-66).

The proposal is intended to discourage an inequitable practice that has arisen with respect to small claims procedures in the New York City Civil Court, and to discourage or prevent any such inequity elsewhere. The Advisory Committee has been informed that the City of New York, a frequent defendant in Small Claims Night Part of the New York City Civil Court, in order to avoid appearing in Night Court, regularly demands a jury trial thereby forcing the claimant in a small claims action, usually not represented by counsel, into the confusing arena of a jury part in Day Court, during his or her working hours, sometimes to be compelled by lack of expertise and press of time to settle the claim before commencement of trial, usually for a sum less than that demanded. Such inequity to claimants in small claims actions in New York City Civil Court might be minimized if not eliminated by the proposed abolition of the exemption from paying the jury demand fee. The proposal also would eliminate, if need be, any similar inequity in the courts of limited jurisdiction other than the New York City Civil Court, or, if no such inequity exists, would tend to prevent such inequity from arising.

Proposal

AN ACT

To amend the New York city civil court act, the uniform district court act, the uniform city court act and the uniform justice court act, in relation to fee for jury demand

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§1. A new section, to be section nineteen hundred twelve-a of the New York city civil court act, is enacted, to read as follows:

§1912-a. No exemption of city from payment of fee upon demand for jury trial. Notwithstanding any other provision of law, in any action commenced in small claims part of this court there shall be no exemption of the city of New York, or any department, board or officer thereof, from payment of the fee prescribed by §1911(h) of this act upon demand for a trial by jury.

§2. A new section, to be section 1912-a of the uniform district court act, is enacted, to read as follows:

§1912-a. No exemption of municipality from payment of fee upon demand for jury trial. Notwithstanding any other provision of law, in any action commenced in small claims part of this court there shall be no exemption of a municipality, or any department, board or officer thereof, from payment of the fee prescribed by §1911(a)(6) of this act upon demand for a trial by jury.

§3. A new section, to be section nineteen hundred twelve-a of the uniform city court act, is enacted, to read as follows:

§1912-a. No exemption of municipality from payment of fee upon demand for jury trial. Notwithstanding any other provision of law, in any action commenced in small claims part of this court there shall be no exemption of a municipality, or any department, board or officer thereof, from payment of the fee prescribed by §1911(a)(8) of this act upon demand for a trial by jury.

§4. A new section, to be section nineteen hundred twelve-a of the uniform justice court act, is enacted, to read as follows:

§1912-a. No exemption of municipality from payment of fee upon demand for jury trial. Notwithstanding any other provision of law, in any action commenced in small claims part of this court there shall be no exemption of a municipality, or any department, board or officer thereof, from payment of the fee prescribed by §1911(a)(7) of this act upon demand for a trial by jury.

§5. This act shall take effect immediately.

IV. Pending and Future Matters

Several interrelated matters now are under consideration by the Advisory Committee, working through one or more subcommittees, with a view toward legislation and rule changes for the following purposes:

1. To facilitate the expeditious disposition of litigation, study is being given by the Subcommittee on Alternative Dispute Resolution to new or improved procedures, as well as to increased and innovative employment of personnel for the purpose of expediting the disposition of litigation. The Subcommittee proposes to consider procedures selected from a wide range of sources, including arbitration, compulsory arbitration, the Simplified Procedure for Court Determination of Disputes (CPLR 3031-3037), The New Jersey Alternative Procedure for Dispute Resolution (P.L. 1987, c. 54; N.Y.S. 2A: 23A-1, et seq.) and the draft of the Federal Alternative Procedure for Dispute Resolution Act, H.R. 2721 (100th Congress). The Committee also is considering such proposals as the more extensive utilization of Judicial Hearing Officers and of special masters chosen by the litigants to preside at hearings. In addition, the Subcommittees on the Individual Assignment System and the

Courts of Limited Jurisdiction have suggested measures to expand the functions of Judicial Hearing Officers to include, for example, conducting the voir dire and presiding at jury trials with the consent of the parties.

2. To reduce the increasing overload of appellate litigation, as recommended in the MacCrate-Hopkins-Rosenberg Report on Appellate Justice in New York, while at the same time to facilitate the more expeditious disposition of trial litigation under the Individual Assignment System, the Committee has under consideration various models for statutory revision of the appellate review process. The Subcommittee on the Individual Assignment System and the Subcommittee on Appellate Jurisdiction are reviewing carefully suggestions emanating from the bar and bench on this topic.

3. The Subcommittee on Constitutionality of Enforcement Procedures is monitoring practice under CPLR 5231 (Income Execution) as amended by L. 1987, C. 829, in the light of *Follette* v. *Vitanza*, 658 F.Supp. 492 (NDNY 1987); *see also Follette* v. *Cooper*, 658 F.Supp. 514 (NDNY 1987), in which the court, upon holding unconstitutional New York's income withholding formula and post-judgment income execution procedures, ordered conformance in statute and form to federal standards.

4. The Committee is reviewing L. 1987, c. 653, an Act becoming effective in gradual phases, which would establish special parts in the lower courts for the determination of commercial claims in which the demand does not exceed $1500. The Committee believes that amendments are required in this Act and intends to propose or to support appropriate amendments.

5. The Committee continues to consider recommending the adoption of an up-to-date appendix of official CPLR forms pursuant to the authority of CPLR 107.

The following 18 subcommittees of the Advisory Committee on Civil Practice now are operational:

Subcommittee on Alternative Dispute Resolution
Chair, Marjorie E. Karowe, Esq.

Subcommittee on Matrimonial Procedures
Chair, Myrna Felder, Esq.

Subcommittee on the Constitutionality of Enforcement Procedures
Chair, Richard B. Long, Esq.

Subcommittee on Statutes of Limitations
Chair, James J. harrington, Esq.

Subcommittee on Contribution and Apportionment of Damages
Chair, John T. Frizzell, Esq.

Subcommittee on Costs and Disbursements
Chair, Michael E. Catalinotto, Esq.

Subcommittee on Service of Process
Chair, Leon Brickman, Esq.

Subcommittee on Courts of Limited Jurisdiction
Chair, Leon Brickman, Esq.

Subcommittee on Motion Practice
Chair, William D. Eggers, Esq.

Subcommittee on the Uniform Rules
Chair, Sheila L. Birnbaum, Esq.

Subcommittee on Legislation
Chair, Professor George F. Carpinello

Subcommittee on Appellate Jurisdiction
Chair, James J. Harrington, Esq.

Subcommittee on the Individual Assignment System
Chair, Robert M. Blum, Esq.

Subcommittee on Medical Malpractice
(Chair vacant)

Subcommittee on Evidence
Chair, Peter J. Walsh, Esq.

Subcommittee on Liability Insurance and Tort Law
Chair, Professor George F. Carpinello

Subcommittee on Sanctions
Chair, Thomas F. Gleason, Esq.

Subcommittee on Official Forms
Chair, Peter J. Walsh, Esq.

Respectfully submitted,

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Robert M. Blum, Esq.
Leon Brickman, Esq.
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Edward C. Cosgrove, Esq.
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Myrna Felder, Esq.
John T. Frizzell, Esq.
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James J. Harrington, Esq.
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Richard B. Long, Esq.
Lauretta E. Murdock, Esq.
Thomas R. Newman, Esq.
Richard Rifkin, Esq.
Professor David D. Siegel
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December, 1987

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John P. Brosnan, Esq.
Counsel

1988 Report

of the

Advisory Committee on Criminal Law and Procedure

to the

Chief Administrative Judge of the Courts

of the

State of New York

December, 1987

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I. Introduction

The Advisory Committee on Criminal Law and Procedure, one of the standing advisory committees established by the Chief Administrator of the Courts pursuant to section 212(1) (g) of the Judiciary Law, annually recommends to the Chief Administrator legislative proposals in the area of criminal law and procedure that may be incorporated in the Chief Administrator's legislative program. The Committee makes its recommendations on the basis of its own studies, examination of decisional law, and recommendations received from bench and bar. The Committee maintains a liaison with the New York State Judicial Conference, bar association and legislative committees, and such agencies as the Law Revision Commission. In addition to recommending its own annual legislative program, the Committee reviews and comments on other pending legislative measures concerning criminal law and procedure.

In this 1988 Report of the Advisory Committee on Criminal Law and Procedure to the Chief Administrator of the Courts, the Committee recommends a total of 18 bills for enactment by the 1988 Legislature. Of these, 17 bills previously have been endorsed, while one bill is a new measure. The new bill is a proposal allowing an indictment to be amended to conform to the evidence before the grand jury.

Part II of this Report summarizes each of the measures previously submitted and explains its purpose. Part III summarizes the measure being submitted for the first time this year. In both parts II and III, individual summaries are followed by drafts of appropriate legislation.

II. Previously Endorsed Measures

1. Establishment of a Procedure to Obtain Warrant of Arrest
(CPL 1.20; Article 120)

The Committee recommends that section 1.20 and Article 120 of the Criminal Procedure Law be amended to establish a procedure for obtaining a warrant of arrest prior to the formal commencement of a criminal action.

The United States Supreme Court has held that, absent exigent circumstances, an arrest warrant must be obtained before police may enter a suspect's home to make a "routine" felony arrest. *Payton* v. *New York*, 445 U.S. 573 (1980). Under existing New York law, an arrest warrant may not be issued until after an accusatory instrument commencing a criminal action is filed. CPL §120.10. This limitation causes difficulty when authority to arrest is needed and a court is unavailable for the filing of the accusatory instrument, or practical problems delay the preparation of the instrument itself. There also are circumstances under which probable cause to arrest an individual exists but further investigation is warranted before the prosecution can determine whether to commence a criminal action. Therefore, it is necessary to develop a mechanism whereby law enforcement officers possessing the statutory requirements to arrest without a warrant in a public place may obtain judicial authorization to arrest a person in his home before formal criminal proceedings are begun.

Our proposal would establish that mechanism by amending the existing arrest warrant provisions to permit an *ex parte* application to be made to the court for a warrant when a person may be arrested for a crime pursuant to section 140.10 of the Criminal Procedure Law and all other statutory requirements are met. The application provisions are patterned after those governing search warrants (*see* CPL §690.35), and the procedure to be followed after arrest remains as stated in section 140.20, with the additional requirement of a return of the warrant and a report to the court indicating the time and place of the arrest and subsequent steps taken.

The new procedure established by this measure will safeguard the rights of individuals suspected of criminal activity while permitting law enforcement officers to complete their investigations before commencing formal proceedings. It must be noted, however, that this measure also may have an impact upon the scope of other investigatory procedures that may be conducted before an action is commenced. *See People* v. *Samuels*, 49 N.Y.2d 218 (1980).

Proposal

AN ACT

To amend the criminal procedure law, in relation to warrant of arrest

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions twenty-eight and twenty-nine of section 1.20 of the criminal procedure law are amended to read as follows:

28. ["Warrant] *(a) "Warrant of arrest" means a process of a criminal court, more fully defined in subdivisions three and four of section 120.10, directing a police officer to arrest a person.*

(b) "Local criminal court warrant of arrest" means a [process] *warrant of arrest* of a local criminal court [, more fully defined in section 120.10,] directing a police officer, *pursuant to article 120,* to arrest a defendant and to bring him before such court for the purpose of arraignment upon an accusatory instrument filed therewith by which a criminal action against him has been commenced.

[29.] *(c)* "Superior court warrant of arrest" means a [process] *warrant of arrest* of a superior court directing a police officer, *pursuant to subdivision three of section 210.10,* to arrest a defendant and to bring him before such court for the purpose of arraignment upon an indictment filed therewith by which a criminal action against him has been commenced.

§2. Sections 120.10, 120.20, 120.30 and 120.40 of such law, section 120.10 as amended by chapter eight hundred forty-three of the laws of nineteen hundred eighty, section 120.40 as amended by chapter sixty-one of the laws of nineteen hundred seventy-three, are amended to read as follows:

§120.10. Warrant of arrest; definition, function, form and content. 1. A *warrant of arrest is a process of a criminal court directing a police officer to arrest a person.*

2. A local criminal court warrant of arrest is a [process] *warrant of arrest* issued by a local criminal court directing a police officer or a peace officer appointed by the state university to arrest a defendant designated in an accusatory instrument filed with such court and to bring him before such court in connection with such instrument. The sole function of a *local criminal court* warrant of arrest is to achieve a defendant's court appearance in a criminal action for the purpose of arraignment upon the accusatory instrument by which such action was commenced.

[2.] *3.* A warrant of arrest must be subscribed by the issuing judge and must state or contain (a) the name of the issuing court, and (b) the date of issuance of the warrant, and (c) the name or title of an offense [charged in the underlying accusatory instrument] *for which the person is to be arrested,* and (d) the name of the [defendant] *person* to be arrested or, if such be unknown, any name or description by which he can be identified with reasonable certainty, and (e) the police officer or officers or peace officers appointed by the state university to whom the warrant is addressed, and (f) a direction that such officer arrest [the defendant] *such person,* and *(g) where the warrant of arrest is issued upon an accusatory instrument, a direction to* bring him before the issuing court.

[3.] *4.* A warrant of arrest may be addressed to *any police officer,* a classification of police officers, or to two or more classifications thereof, as well as to a designated individual police officer or officers, as well as to peace officers appointed by the state university. Multiple copies of such a warrant may be issued.

§120.20 Warrant of arrest; when issuable. 1. When a criminal action has been commenced in a local criminal court by the filing therewith of an accusatory instrument, other than a simplified [traffic] information, against a defendant who has not been arraigned upon such accusatory instrument and has not come under the control of the court with respect thereto, such court may, if such accusatory instrument is sufficient on its face, issue a *local criminal court* warrant *of arrest* for such defendant's arrest.

2. (a) Where a person may be arrested for a crime pursuant to section 140.10, a police officer or a district attorney may apply to a criminal court for a warrant of arrest. Upon such application, if the criminal court is satisfied that an arrest of such person is authorized by section 140.10, the court may issue the warrant.

(b) An ex parte application for such warrant must be submitted to a judge of a criminal court and it must be in writing, subscribed and sworn to by the applicant, or be made orally by the applicant, under oath, to the issuing judge and recorded verbatim. The application must contain:

(i) The name of the court, the name and title of the applicant, and the date of the application;

(ii) A statement that an arrest of a named person (or, if such be unknown, any name or description by which such person can be identified with reasonable certainty) for a specified crime is authorized by section 140.10;

(iii) Allegations of fact supporting such statement. Such allegations of fact may be based upon personal knowledge of the applicant or upon information and belief. The applicant may also submit depositions of other persons containing allegations of fact, based upon personal knowledge or upon information and belief, supporting or tending to support those contained in the application. Allegations based upon information and belief shall include the source of such information and the grounds of such belief; and

(iv) A request that the court issue the warrant.

[2.] *3.* Even though such accusatory instrument *or application, as the case may be,* is sufficient on its face, the court may refuse to issue a warrant of arrest based thereon until it has further satisfied itself, by inquiry or examination of witnesses, that there is reasonable cause to believe that the defendant committed an offense charged. Upon such inquiry or examination, the court may examine, under oath or otherwise, any available person whom it believes may possess knowledge concerning the subject matter of the charge.

[3.] *4.* Notwithstanding the provisions of subdivision one, if a summons may be issued in lieu of a *local criminal court* warrant of arrest pursuant to section 130.20, and if the court is satisfied that the defendant will respond thereto, it may not issue a *local criminal court* warrant of arrest.

§120.30 Warrant of arrest; by what courts issuable and in what courts returnable. 1. A *warrant of arrest may be issued by a criminal court with geographical jurisdiction of a crime specified in the application submitted to it pursuant to subdivision two of section 120.20.*

2. A local criminal court warrant of arrest may be issued only by the local criminal court with which the underlying accusatory instrument has been filed, and it may be made returnable in such issuing court only.

[2.] *3.* The particular local criminal court or courts with which any particular local criminal court accusatory instrument may be filed for the purpose of obtaining a *local criminal court* warrant of arrest are determined, generally, by the provisions of section 100.55. If, however, a particular accusatory instrument may pursuant to said section 100.55 be filed with a particular town court and such town court is not available at the time such instrument is sought to be filed and a warrant obtained, such accusatory instrument may be filed with the town court of any adjoining town of the same county. If such instrument may be filed pursuant to said section 100.55 with a particular village court and such village court is not available at the time, it may be filed with the town court of the town embracing such village, or if such town court is not available either, with the town court of any adjoining town of the same county.

§120.40 Warrant of arrest; attaching accusatory instrument to warrant of town court or village court. A town court or a village court which issues a *local criminal court* warrant of arrest may attach thereto a duplicate copy of the underlying accusatory instrument. If one or more duplicate copies of the warrant are issued, such court may attach as many copies of such accusatory instrument to copies of such warrant as it chooses. In any case where, pursuant to subdivision five of section 120.90, a defendant arrested upon such a warrant of arrest is brought before a local criminal court other than the town court or village court in which the warrant is returnable, a copy of the accusatory instrument constitutes a valid basis for arraignment as provided in subdivision one of section 170.15.

§3. Section 120.50 of such law is REPEALED.

§4. Section 120.90 of such law is amended by adding a new subdivision eight, to read as follows:

8. Notwithstanding the foregoing provisions of this section, the procedure following an arrest upon a warrant of arrest issued pursuant to subdivision two of section 120.20 shall be as provided in section 140.20. Further, within a reasonable time after the arrest of a person pursuant to such warrant, a police officer shall return the warrant to the issuing court and file with it a report of the time and place of the arrest and a report as to which of the procedures of section 140.20 were followed. The failure to file such report shall not be grounds for invalidating the arrest or the evidence derived from the arrest.

§5. This act shall take effect immediately.

REPEAL NOTE: — CPL 120.50 is repealed by this act since its provisions are included within subdivision three of CPL 120.10.

2. Immunity of Grand Jury Witnesses (CPL 190.40)

The Committee recommends that section 190.40 of the Criminal Procedure Law be amended to clarify existing law by providing that a witness before the grand jury does not receive immunity by reason of giving identification evidence of a nontestimonial character that the witness would have no constitutional privilege to withhold.

Section 190.40 now confers immunity upon any witness who has been compelled to "give evidence" before the grand jury. This standard of "giving evidence," however, is overbroad and could be construed to authorize immunity for a person appearing before the grand jury even if the evidence he or she gives is nontestimonial and not of a type that the witness is otherwise privileged to withhold. If a witness has no privilege with respect to this evidence, he or she has given up nothing by furnishing it to the grand jury and should not receive immunity as a result.

These considerations apply primarily to the giving of nontestimonial identification evidence, such as standing in a lineup, or furnishing a blood, voice, handwriting or fingerprint sample. A witness has no constitutional privilege to refuse to give this evidence, *Schmerber v. California*, 384 U.S. 757 (1966), and, therefore, should not receive immunity by reason of providing it.

Paragraph (c) of subdivision two of section 190.40, as added by the Legislature in 1975, recognizes this principle as it applies to corporate books and records, which a witness similarly would not be privileged to withhold. Our proposal would delete paragraph (c) and replace it with a general provision that limits the grant of immunity to evidence that is protected from disclosure by the privilege against self-incrimination.

Proposal

AN ACT

To amend the criminal procedure law, in relation to the immunity received by grand jury witnesses to make clear that no immunity results from the giving of nontestimonial identification evidence which the witness would have no constitutional privilege to withhold

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 190.40 of the criminal procedure law, paragraph (c) of subdivision two thereof as added by chapter four hundred fifty-four of the laws of nineteen hundred seventy-five, is amended to read as follows:

§190.40 Grand jury; witnesses, compulsion of evidence and immunity. 1. Every witness in a grand jury proceeding must give any evidence legally requested of him regardless of any protest or belief on his part that it may tend to incriminate him.

2. [A witness who gives evidence in a grand jury proceeding] *In a grand jury proceeding, a witness who is required to give evidence under subdivision one which he would otherwise be entitled to withhold by virtue of the privilege against self-incrimination,* receives immunity unless:

(a) He has effectively waived such immunity pursuant to section 190.45; or

(b) Such evidence is not responsive to any inquiry and is gratuitously given or volunteered by the witness with knowledge that it is not responsive.

[(c) The evidence given by the witness consists only of books, papers, records or other physical evidence of an enterprise, as defined in subdivision one of section 175.00 of the penal law, the production of which is required by a subpoena duces tecum, and the witness does not possess a privilege against self-incrimination with respect to the production of such evidence. Any further evidence given by the witness entitles the witness to immunity except as provided in subdivisions (a) and (b) of this section.]

§2. This act shall take effect immediately.

3. Discovery of Nontestimonial Evidence (CPL 240.40)

The Committee recommends that section 240.40 of the Criminal Procedure Law be amended to permit a court to require a defendant against whom a felony or misdemeanor complaint is pending to provide nontestimonial evidence.

During its 1979 Session, the Legislature enacted a new Article 240 of the Criminal Procedure Law, providing for expanded criminal discovery procedures. Section 240.40 authorizes a court in which an indictment, superior court information, prosecutor's information or information is pending to order a defendant to provide nontestimonial evidence. This proposal would expand this authority to permit an order to issue when a felony or misdemeanor complaint is pending. Since these accusatory instruments also must contain factual allegations establishing probable cause to support the charges, they should be included in the list of instruments that provide the basis for a court order requiring the production of nontestimonial evidence. *See* CPL §100.15.

Proposal

AN ACT

To amend the criminal procedure law, in relation to the discovery of nontestimonial evidence

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision two of section 240.40 of the criminal procedure law, the opening paragraph of which as amended by chapter three hundred seventeen of the laws of nineteen hundred eighty-three, such subdivision as added by chapter four hundred twelve of the laws of nineteen hundred seventy-nine, is amended to read as follows:

2. Upon motion of the prosecutor, and subject to constitutional limitation, *(a)* the court in which an indictment, superior court information, prosecutor's information, information or simplified information charging a misdemeanor is pending[; (a)] must order discovery as to any property not disclosed upon a demand pursuant to section 240.30, if it finds that the defendant's refusal to disclose such material is not justified[;], and (b) *the court in which an indictment, superior court information, prosecutor's information, information, felony complaint or misdemeanor complaint is pending* may order the defendant to provide non-testimonial evidence; *provided, however, where a felony complaint is pending in a local criminal court, the superior court which would have trial jurisdiction of the offense or offenses charged were an indictment therefor to result may also order the defendant to provide nontestimonial evidence.* Such order may, among other things, require the defendant to:

(i) Appear in a line-up;

(ii) Speak for identification by witness or potential witness;

(iii) Be fingerprinted;

(iv) Pose for photographs not involving reenactment of an event;

(v) Permit the taking of samples of blood, hair or other materials from his body in a manner not involving an unreasonable intrusion thereof or a risk of serious physical injury thereto;

(vi) Provide specimens of his handwriting;

(vii) Submit to a reasonable physical or medical inspection of his body.

This subdivision shall not be construed to limit, expand, or otherwise affect the issuance of a similar court order, as may be authorized by law, before the filing of an accusatory instrument consistent with such rights as the defendant may derive from the constitution of this state or of the United States. This section shall not be construed to limit or otherwise affect the administration of a chemical test where otherwise authorized pursuant to section one thousand one hundred ninety-four-a of the vehicle and traffic law.

§2. This act shall take effect thirty days after it shall have become a law; provided, however, the provisions of the criminal procedure law, as amended herein, shall be apllied only to criminal actions commenced on or after such date.

4. Separation of Jury During Deliberations (CPL 310.10)

The Committee recommends that section 310.10 of the Criminal Procedure Law be amended to authorize a court to permit a deliberating jury to separate temporarily, including overnight and on weekends and holidays. This would facilitate and encourage jury service, reduce the potentially coercive impetus to arrive at a prompt verdict and save the expense necessitated by prolonged sequestration in cases in which there is no likelihood of jury tampering or influence.

Section 310.10 now provides that a deliberating jury "must be continuously kept together under the supervision of a court officer or court officers" or other personnel. This requires that deliberating jurors be kept in hotel rooms or other accommodations, fed and guarded during deliberations. This rule is in marked contrast to the more flexible approach employed in the federal courts, where sequestration is within the court's discretion.

Our proposal would amend New York's rigid rule by allowing dispersal when the court so authorizes. Dispersal should be the rule rather than the exception. In most cases the jury is not sequestered during the trial itself, and the possibility that the jurors will defy the court's instructions and read about or discuss the case with outsiders, or that the jurors will be tampered with, should be no greater during deliberations. The possibility of exposure to news reports in fact may be less during deliberations, when the media no longer have any new evidence to report.

It is undisputed that this proposal would have a favorable impact on the State budget. An evaluation of costs of sequestering juries has indicated that its enactment could result in a saving of approximately $2,700 for each day a jury is not sequestered when it normally would have been, and the total potential savings in expenses for meals, lodging and transportation for jurors and overtime pay and increased pension costs for court personnel could exceed $1,800,000 a year.

Proposal

AN ACT

To amend the criminal procedure law, in relation to authorizing the temporary separation of a deliberating jury

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 310.10 of the criminal procedure law, as amended by chapter two hundred fourteen of the laws of nineteen hundred seventy-four, is amended to read as follows:

§310.10 Jury deliberation; requirement of; where conducted.

1. Following the court's charge, the jury must retire to deliberate upon its verdict in a place outside the courtroom. It must be provided with suitable accommodations therefor and must, *except as otherwise provided in subdivison two,* be continuously kept together under the supervision of a court officer or court officers. In the event such court officer or court officers are not available, the jury shall be under the supervision of an appropriate public servant or public servants. Except when so authorized by the court or when performing administerial duties with respect to the jurors, such court officers or public servants, as the case may be, may not speak to or communicate with them or permit any other person to do so.

2. At any time after the jury has commenced its deliberations, the court may declare the deliberations to be in recess and may thereupon direct the jury to suspend its deliberations and to separate for a reasonable period of time to be specified by the court, including Saturdays, Sundays and holidays. Before each recess, the court must admonish the jury as provided in section 270.40 and direct it to resume its deliberations when all twelve jurors have reassembled in the designated place at the termination of the declared recess.

§2. This act shall take effect immediately.

5. Decision on Motion to Suppress Identification Testimony (CPL 710.40)

The Committee recommends that subdivision three of section 710.40 of the Criminal Procedure Law be amended to allow a court to defer the hearing and determination of a motion to suppress identification testimony until after the trial has commenced.

Under present law, all motions to suppress evidence must be decided before trial. In the context of a *Wade* hearing, this means that crime victims or other persons who will give identification testimony must make multiple court appearances. Apart from the great personal inconvenience this may occasion, which itself may have the effect of discouraging such persons from coming forward to testify at the time of trial, it also may expose them to efforts at intimidation. *See People* v. *Vargas*, 118 Misc. 2d 477 (Sup. Ct. N.Y. Co. 1983).

This salutary proposal would permit a court, in its discretion and with the consent of the prosecutor, to minimize the number of court appearances an identification witness must make by postponing its hearing and determination of a *Wade* motion until after trial has commenced. In order to protect the defendant's rights, the hearing would be held outside the presence of the jury. The prosecutor's consent is necessary to offset the latter's loss of a right of appeal from an adverse decision on the *Wade* motion (*see* CPL §450.20(8)) once trial begins.

Proposal

AN ACT

To amend the criminal procedure law, in relation to certain motions to suppress evidence

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision three of section 710.40 of the criminal procedure law, as amended by chapter two hundred seventy-three of the laws of nineteen hundred seventy-seven, is amended to read as follows:

3. When the motion is made before trial, the trial may not be commenced until determination of the motion*; provided, however, that when a hearing is held on a motion to suppress evidence based upon the ground specified in subdivision six of section 710.20, and the court finds from the evidence offered at such hearing that (a) the challenged identification occurred at a confrontation arranged by the police and (b) there is no reason to believe that the identification was the product of improper suggestion; and either party wishes to call a witness or witnesses, other than a police officer, who will be testifying at the trial, the court may, with the consent of the prosecutor, defer the testimony of the nonpolice witness or witnesses, continue the hearing and reserve decision on the motion until after the trial has commenced, unless good cause be shown why the witness or witnesses should testify and the decision should be rendered before commencement of the trial. In the event that a continuance of the suppression hearing is granted hereunder in a case tried by a jury, the court must hear the witness or witnesses on the issue of suppression outside the presence of the jury and must render decision on the motion before the witness or witnesses testify before the jury.*

§2. This act shall take effect ninety days after it shall have become a law.

6. Amendment of Indictment (CPL Article 205)

The Committee recommends that the Criminal Procedure Law be amended, by the addition of a new Article 205, to establish a procedure for amending an indictment, prior to retrial, to charge lesser included offenses of counts that have been disposed of under such circumstances as to preclude defendant's retrial thereon. Legislative action permitting such amendments was recommended to the Advisory Committee by the Court of Appeals, and this measure has been endorsed by the District Attorneys Association.

In *People* v. *Mayo*, 48 N.Y.2d 245 (1979), defendent was charged with robbery in the first degree. The trial court refused to submit that charge to the jury, submitting instead the lesser included offenses of robbery in the second and third degrees. The jury was unable to reach a verdict on these lesser charges and a mistrial was declared. Defendant then was retried on the original indictment. Although the first degree robbery count was not submitted to the jury at the second trial, the Court of Appeals held that it was improper to retry defendant on the original indictment. The Court reasoned that since the sole count of the indictment could not be retried because of the prohibition against double jeopardy, nothing remained to support further criminal proceedings under that accusatory instrument. 48 N.Y.2d at 253. Impliedly, this holding also foreclosed amendment of the original indictment to charge the lesser included offenses on which retrial was not prohibited. Accordingly, the practical effect of the Court's holding is to require re-presentation of cases to grand juries. This consumes the time and resources of district attorneys, grand juries and witnesses alike, without any concomitant benefit to defendant. *See People v. Gonzales*, 96 A.D.2d 847 (2d Dept. 1983) (*Titone*, J., dissenting).

In a footnote to its holding in *Mayo*, the Court noted its belief that "there would have been no constitutional or statutory bar to a retrial" had the People obtained a new indictment containing only the second and third degree robbery counts. 48 N.Y.2d at 250 (*see* footnote 2). In accordance with this observation and at the request of the Court of Appeals, the Advisory Committee undertook to prepare remedial amendments to the Criminal Procedure Law.

This measure, which reflects those amendments, would establish a new Article 205 of the Criminal Procedure Law setting forth a procedure whereby an indictment may be amended prior to retrial to charge lesser included offenses of counts that have been disposed of at the first trial, whether or not such lesser included offenses were submitted to the jury at the initial trial. It would require the People to make a written application to amend the indictment, on notice to defendant, at least 20 days prior to the new trial. Further, the People would be required to file a copy of the indictment, as it is proposed to be amended, with their application, and to serve a copy of the amended indictment upon defendant. These provisions are intended to insure that the functions of an indictment — to give defendant adequate notice of the charges against him — are not compromised by the amendment procedure.

Proposal

AN ACT

To amend the criminal procedure law in relation to amendment of indictments.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The criminal procedure law is amended by adding a new article two hundred five to read as follows:

ARTICLE 205
RETRIAL OF LESSER INCLUDED OFFENSES

§205.10. Procedure for amending indictment where retrial is ordered.

§205.10. Procedure for amending indictment where retrial is ordered. Notwithstanding any other provision of law, whenever (a) an offense charged in a count of an indictment is disposed of under such circumstances as to preclude defendant's retrial thereon and (b) a new trial is ordered, the trial court may, upon application of the people and with notice to the defendant and opportunity to be heard, order the amendment of the indictment to charge any lesser included offenses, as defined in section 1.20(37), of such offense, whether or not such lesser included offenses were submitted to the finder of fact upon trial of the original indictment, provided, however, that the indictment may not be amended to charge a lesser included offense that was disposed of under such circumstances as to preclude defendant's retrial thereon. Such application must include a copy of the indictment as it is proposed to be amended and must be made, in writing, at least twenty days prior to commencement of the new trial. Upon granting an application hereunder, the trial court shall order the people to file the amended indictment with the court and to cause defendant to be furnished with a copy thereof.

§2. This act shall take effect ninety days after it shall have become a law.

7. Proof of Purchase of Child Seating System (Vehicle and Traffic Law §1229-c)

The Committee recommends that subdivision six of section 1229-c of the Vehicle and Traffic Law be amended to provide that a fine for violating the mandatory seat belt law provisions relating to restraint of children under age 4 (VTL §1229-c(1), (2) may be waived only where the court is supplied with proof that a child seating system has been purchased or rented since the date of the violation.

The purpose of this measure is to correct a loophole in section 1229-c. Subdivisions one and two of section 1229-c require that children under the age of four be restrained in specially-designed car seats meeting Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213. Subdivision five of that section provides that a violation of any of the provisions of section 1129-c shall be punishable by a civil fine, not exceeding 50 dollars. Subdivision six, however, requires the court to waive any such fine where the violation of section 1229-c involves failure to comply with its requirements concerning seat restraints for children under four and the court is presented with proof that the violator has "purchased or rented a child seating system . . . on or before the appearance date [of his or her] violation."

Herein lies the loophole. It has been pointed out to the Advisory Committee that subdivision six prescribes no date *after which* a violator, seeking to benefit from the waiver provision, must have purchased the necessary seating system. Thus, the statute would seem to require that, where a violator is convicted for failing to use a seating system that he or she already owned at the time the violation occured, the fine must be waived. The Legislature cannot have intended such an anomaly. Accordingly, this measure would amend subdivision six of section 1229-c to clarify that waiver of the fine may be ordered only where a child seating system is purchased *after* the date of the violation.

Proposal

AN ACT

To amend the vehicle and traffic law, in relation to proof of purchase of child seating system.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision six of section twelve hundred twenty-nine-c of the vehicle and traffic law, as amended by chapter one hundred fifty-four of the laws of nineteen hundred eighty-six, such subdivision as added by chapter three hundred sixty-five of the laws of nineteen hundred eighty-four, is amended to read as follows:

6. The court shall waive any fine for which a person who violates the provisions of this section would be liable with respect to passengers under the age of four if such person supplies the court with proof that, *between the date on which he is charged with having violated this section and the appearance date for such violation,* he [has] purchased or rented a child seating system which meets the requirements of subdivision one of this section [on or before the appearance date for such violation]. Provided, however, that such waiver of fine shall not apply to a second or subsequent conviction under this section.

§2. This act shall take effect immediately.

8. Mandatory Surcharges (CPL 420.35)

The Committee recommends that section 420.35 of the Criminal Procedure Law be amended to clarify that mandatory surcharges need not be entered and docketed by the county clerk as civil money judgments.

Chapter 233 of the Laws of 1985 amended section 420.10(6) of the Criminal Procedure Law to provide, *inter alia,* that a fine shall be imposed by a written order and that a certified copy of such order must be filed with the county clerk. Chapter 233 further provides that an order imposing a fine shall be entered and docketed by the county clerk as a money judgment and may be enforced in the same manner as a judgment in a civil action.

Although section 420.10(6) is concerned with fines, section 420.35 provides that the provisions of section 420.10 governing the collection of fines shall apply to mandatory surcharges imposed pursuant to section 60.35 of the Penal Law. The result of the 1985 amendment to section 420.10 thus may be to require that all mandatory surcharges be imposed by written order, and that such orders be entered and docketed by the county clerk as civil money judgments. It makes little sense to impose such requirements with respect to mandatory surcharges which, unless waived, are required to be levied for all criminal convictions and are in relatively small amounts ($100 for a felony, $60 for a misdemeanor and $25 for a violation). It is unlikely that civil money judgments in such small amounts ever would become the subject of an enforcement proceeding, and a requirement that all mandatory surcharges be so docketed would create an enormous, and unnecessry, burden to court clerical personnel. This measure accordingly would amend section 420.35 to correct what we are certain was an unintended result and to clarify that mandatory surcharges need not be filed with or entered and docketed by the county clerk.

Proposal

AN ACT

To amend the criminal procedure law, in relation to mandatory surcharges

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The first unnumbered paragraph of section 420.35 of the criminal procedure law, as added by chapter fifty-five of the laws of nineteen hundred eighty-two and as amended by chapter fifteen of the laws of nineteen hundred eighty-three, is amended to read as follows:

The provisions of section 420.10 of this article governing the collection of fines and the provisions of section 420.30 of this article governing the remission of fines and the provisions of section 430.20 of this chapter governing the commitment of a defendant for failure to pay a fine shall be applicable to a mandatory surcharge imposed pursuant to subdivision one of section 60.35 of the penal law or section eighteen hundred nine of the vehicle and traffic law, *provided, however, that those provisions of section 420.10 requiring a fine to be entered and docketed by the county clerk as a civil money judgment shall not apply to a mandatory surcharge.*

§2. This act shall take effect immediately.

9. Appeal by the People from Preclusion Order (CPL 450.20, 450.50)

The Committee recommends that section 450.20 of the Criminal Procedure Law be amended to provide that the People may appeal as of right from an order prohibiting the introduction of certain evidence or the calling of certain witnesses, entered before trial pursuant to section 240.70 of the Criminal Procedure Law. The Committee further proposes that section 450.50 of the Criminal Procedure Law be amended to permit the People to take an appeal from a preclusion order, if the People file a statement asserting that they are unable to prosecute without the evidence ordered precluded, and to provide that the taking of an appeal from a preclusion order constitutes a bar to prosecution unless or until such order is reversed or vacated.

In *People v. Anderson,* 66 N.Y.2d 529, 537 (1985), the Court of Appeals held that section 30.30 of the Criminal Procedure Law does not require the Court to dismiss an action for a default by the People after the People have announced their readiness for trial where lesser sanctions, such as preclusion orders, are available. Anticipating that the court's decision in *Anderson* may lead to an increase in the use of preclusion orders, the Committee recommends that section 450.20 of the Criminal Procedure Law be amended to permit the People to appeal from a preclusion order. The People's right to take such an appeal would be conditioned, however, on the filing of a statement asserting that the prosecution cannot proceed without the precluded evidence.

This procedure would conform to that now required where the People take an appeal from an order suppressing evidence. It would allow the People to obtain appellate review of preclusion orders, while assuring that only those orders affecting evidence at the heart of the People's case are the subject of interlocutory appeals.

Proposal

AN ACT

To amend the criminal procedure law, in relation to appeal by the people from preclusion order

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 450.20 of the criminal procedure law is amended to add a new subdivision ten, to read as follows:

10. An order prohibiting the introduction of certain evidence or the calling of certain witnesses, entered before trial pursuant to section 240.70; provided that the people file a statement in the appellate court pursuant to section 450.50.

§2. Subdivisions one and two of section 450.50 of such law are amended to read as follows:

1. In taking an appeal, pursuant to subdivision eight *or nine* of section 450.20, to an intermediate appellate court from an order of a criminal court suppressing evidence *or an order prohibiting the introduction of certain evidence or the calling of certain witnesses*, the people must file, in addition to a notice of appeal or, as the case may be, an affidavit of errors, a statement asserting that the deprivation of the use of the evidence ordered suppressed *or precluded* has rendered the sum of the proof available to the people with respect to a criminal charge which has been filed in the court either (a) insufficient as a matter of law, or (b) so weak in its entirety that any reasonable possibility of prosecuting such charge to a conviction has been effectively destroyed.

2. The taking of an appeal by the people, pursuant to subdivision eight *or nine* of section 450.20, from an order suppressing evidence *or an order prohibiting the introduction of certain evidence or the calling of certain witnesses*, constitutes a bar to the prosecution of the accusatory instrument involving the evidence ordered suppressed *or precluded*, unless and until such suppression *or preclusion* order is reversed upon appeal and vacated.

§3. This act shall take effect thirty days after it shall have become a law.

10. Entering Order of Protection in Conjunction with Youthful Offender Adjudication (CPL 530.12, 530.13)

The Committee recommends that sections 530.12 and 530.13 of the Criminal Procedure Law be amended to provide that an order of protection may be entered in conjunction with a youthful offender adjudication. Section 530.12(5) now permits an order of protection to be entered "[u]pon conviction of any crime or violation between spouses, parent and child, or between members of the same family or household." Section 530.13(4) similarly provides for entry of an order of protection "[u]pon conviction of any offense." Because, however, a youthful offender adjudication is not a conviction (CPL §720.35(1)), sections 530.12 and 530.13 do not permit an order of protection to be entered when a conviction is replaced by a youthful offender finding. This measure would correct this apparent legislative oversight and would ensure that courts have the power to protect victims and their families where defendant is adjudicated a youthful offender.

Proposal

AN ACT

To amend the criminal procedure law in relation to entering order of protection in conjunction with youthful offender adjudication

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision five of section 530.12 of the criminal procedure law, as amended by chapter six hundred twenty of the laws of nineteen hundred eighty-six, is amended to read as follows:

5. Upon conviction of any crime or violation between spouses, parent and child, or between members of the same family or household, the court may in addition to any other disposition, including a conditional discharge *or youthful offender adjudication*, enter an order of protection. The duration of such an order shall be fixed by the court and, in the case of a felony conviction, shall not exceed the greater of: (i) five years from the date of such conviction, or (ii) three years from the date of the expiration of the maximum term of an indeterminate sentence of imprisonment actually imposed; or in the case of a conviction for a class A misdemeanor, shall not exceed three years from the date of such conviction; or in the case of a conviction for any other offense, shall not exceed one year from the date of conviction. In addition to any other conditions, such an order may require the defendant:

(a) to stay away from the home, school, business or place of employment of the family or household member, the other spouse or the child;

(b) to permit a parent to visit the child at stated periods;

(c) to abstain from offensive conduct against the child or against the family or household member or against any person to whom custody of the child is awarded; or

(d) to refrain from acts of commission or omission that tend to make the home not a proper place for the family or household member.

§2. Subdivision four of section 530.13 of such law, as amended by chapter six hundred twenty of the laws of nineteen hundred eighty-six, is amended to read as follows:

4. Upon conviction of any offense, where the court has not issued an order of protection pursuant to section 530.12 of this article, the court may, in addition to any other disposition, including a conditional discharge *or youthful offender adjudication*, enter an order of protection. The duration of such an order shall be fixed by the court and in the case of a felony conviction, shall not exceed the greater of: (i) five years from the date of such conviction, or (ii) three years from the date of the expiration of the maximum term of an indeterminate sentence of imprisonment actually imposed; or in the case of a conviction for a class A misdemeanor, shall not exceed three years from the date of such conviction; or in the case of a conviction for any other offense, shall not exceed one year from the date of conviction. In addition to any other conditions such an order may require that the defendant:

(a) stay away from the home, school, business or place of employment of the victim or victims of such offense;

(b) refrain from harassing, intimidating, threatening or otherwise interfering with the victim or victims of the offense and such members of the family or household of such victim or victims as shall be specifically named by the court in such order.

§3. This act shall take effect thirty days after it shall have become a law.

11. Appeal from Order Included in Judgement
(CPL 460.10)

The Committee recommends that section 460.10(1)(a) of the Criminal Procedure Law be amended to provide that an appeal from an order and sentence included in a judgment must be taken within 30 days after imposition of sentence. Legislative action to effect such amendment was recommended by the Court of Appeal in *People* v. *Coaye*, 68 N.Y. 2d *857 (1986)*.

In *Coaye*, the trial court reduced a conviction pursuant to section 330.30 of the Criminal Procedure Law and immediately imposed sentence. Defendant filed his notice of appeal within 30 days of judgment. The People, however, waited several weeks before submitting an order modifying the verdict pursuant to the court's decision and then appealed from that order. Defendant claimed that the People's appeal was untimely.

The Court of Appeals accepted defendant's argument that the People's time to appeal ran from the date of the judgment, rather than the date of the order. It held that where an order and sentence are subsumed in a judgment triggering defendant's time to appeal, section 460.10 of the Criminal Procedure Law must be read to require that an appeal from an order modifying a conviction be taken within 30 days after the imposition of sentence. The Court suggested, however, that the ambiguity giving rise to the dispute in *Coaye* be addressed by the Legislature.

In accordance with the suggestion of the Court of Appeals, the Committee undertook to prepare a remedial amendment to section 460.10(a) of the Criminal Procedure Law. This measure, which reflects that amendment, provides that a party seeking to appeal from an order and sentence included in a judgment must file a notice of appeal within 30 days after sentence is imposed. This amendment would eliminate any ambiguity as to the time for taking an appeal from an order and sentence subsumed in a judgment, and meets with the approval of the Court of Appeals.

Proposal

AN ACT

To amend the criminal procedure law, in relation to appeal from an order and sentence included in a judgment

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (a) of subdivision one of section 460.10 of the criminal procedure law is amended to read as follows:

(a) A party seeking to appeal from a judgment or [the] *a* sentence *or an order and sentence* included within [it] *such judgment*, or from a resentence, or from an order of a criminal court *not included in a judgment*, must, within thirty days after imposition of the sentence or as the case may be, within thirty days after service upon him of a copy of such order, file with the clerk of the criminal court in which such sentence was imposed or in which such order was entered a written notice of appeal, in duplicate, stating that such party appeals therefrom to a designated appellate court.

§2. This act shall take effect thirty days after it shall have become a law.

12. Establishment of a Procedure for Securing Evidence by Use of Electronic Video Surveillance
(CPL Article 695)

The Committee recommends that the Criminal Procedure Law be amended by the addition of a new Article 695, to establish statutory guidelines for the use of video electronic surveillance as an extraordinary means of obtaining evidence of criminal activity. Legislative action establishing such guidelines was recommended by the New York Court of Appeals in *People* v. *Teicher*, 52 N.Y. 2d 638 (1981).

The principal features of the proposed new article modeled after Articles 690 (search warrants) and 700 (eavesdropping) of the Criminal Procedure Law, include:

Proposed section 695.05

This section defines critical terms employed in new Article 695. Of special note, "video surveillance" is defined to be "the intentional visual observation of a person by means of a television camera or other similar electronic device that is part of a television transmitting apparatus, whether or not such observation is recorded on film or videotape, and under circumstances whereby such observation, in the absence of a video surveillance warrant, infringes upon such person's reasonable expectation of privacy under the constitution of this state or of the United States." Also, a "video surveillance warrant" is defined to be an order of a justice of the Appellate Division or of the Supreme Court, or an order of a county court judge, "authorizing video surveillance."

Proposed section 695.10

This section sets forth general restrictions applicable to a video surveillance warrant. In particular, the warrant may be executed only by a police officer, peace officer or district attorney, or a person acting pursuant to such an official's direction, and it may not authorize surveillance of a specific person for any period longer than 30 days (or until the objective of the surveillance is achieved, if sooner.)

Proposed section 695.15

This section describes the circumstances under which a video surveillance warrant may issue. *First*, it must be upon a proper application. *Second*, there must be probable cause to believe that the person who will be the object of video surveillance is committing or is about to commit a specified offense. *Third*, there must be probable cause to believe that activity related to the commission of such offense will be observed through video surveillance. *Fourth,* normal non-electronic investigative procedures must first be exhausted unsuccessfully or demonstrated to be unavailing if attempted. *Fifth,* there must be probable cause to believe that the place where video surveillance is to be conducted is being used in connection with the offense or somehow is linked with the person to be subject to such surveillance.

Proposed section 695.20

This section prescribes the contents of an application for a video surveillance warrant. Such an application must be made *ex parte* and in writing.

Proposed section 695.25

This section provides that a judge or justice may grant an application and issue the video surveillance warrant, deny the application, or require the applicant to furnish additional testimony or documentary evidence in support of the application.

Proposed section 695.30

This section describes the form and content of a video surveillance warrant. Required are: specific information concerning the issuance of the warrant (applicant, court, etc.); a description and the identity, if known, of the person(s) to be subject to video surveillance; description of the place(s) to be subject to such surveillance, the activity sought to be observed and the offense to which it relates; the identity of the person(s) who will conduct the surveillance; specification as to time period during which surveillance is authorized; a minimization provision; and, if necesary, express authorization to make secret entry upon premises to install any equipment required to conduct surveillance.

Proposed section 695.35

This section expressly provides that a video surveillance warrant must be executed according to its terms, and any surveillance thereunder must cease upon termination of the authorization in the warrant.

Proposed section 695.40

This section, substantially similar to section 700.40, authorizes issuance of an order of extension of a video surveillance warrant. The extension may not exceed 30 days, and is available only upon a proper application (which must satisfy the same requirements as the initial application for a warrant), supplemented by a summary of the activities observed through surveillance to date and an explanation for the failure thus far to achieve the warrant's objective.

Proposed section 695.45

This section, substantially similar to section 700.50, provides that the judge or justice who issues a video surveillance warrant may require periodic progress reports. It also requires that, upon termination of authorized surveillance, all tapes or records shall be made available to the judge or justice who issued the warrant therefor and sealed under his directions. Within 90 days of the termination of a video surveillance warrant (or an extension order), written notice of particulars relating to its issuance and its execution must be served upon persons named in the warrant. Thereafter, any person so served may, in the court's discretion, inspect tapes or records or the video surveillance warrant (and any extension orders) or applications therefor.

Proposed section 695.50

This section, substantially similar to seciton 700.55, provides for the custody of applications for video surveillance warrants and the warrants, if any, issued by a judge or justice.

Proposed section 695.55

This section, substantially similar to section 700.65, regulates disclosure and use of information derived from authorized video surveillance.

Proposed section 695.60

This section, substantially similar to section 700.70, provides for the exclusion at trial of the contents of any recording made pursuant to a video surveillance warrant, and any evidence derived therefrom, unless the prosecutor serves defendant with a copy of the video surveillance warrant and the application therefor within 15 days following arraignment. The court may, however, upon a showing of good cause and a finding of no prejudice to defendant, extend the 15 day period.

Proposed section 695.65

This section clarifies that a video surveillance warrant obtained in accordance with the provisions of Article 695 shall be deemed to include authorization to conduct eavesdropping simultaneously with video surveillance.

* * *

We are not unmindful of the distinctly Orwellian overtones of this proposal. In the surreptious viewing and recording of a private person's activities, there looms the spectre of "Big Brother" and all of the abuses so vividly protrayed in that classic work of fiction, *1984*. We point out, however, that this proposal would not operate to permit video surveillance; rather, it is intended to circumscribe its use as an investigative technique by police and prosecutors in a fashion designed to safeguard the rights and the privacy of the public.

In the *Teicher* case, a unanimous Court of Appeals declared that "a warrant may issue to authorize the video taping of evidence to be admitted at a subsequent [criminal] trial, provided certain procedures are followed and certain safeguards are observed." 52 N.Y. 2d at 642. The defendant there, a dentist, was convicted of sexually abusing two of his female patients while they were sedated. On appeal, defendant contended that the videotape of one of his patient's visits, recorded by a camera secreted in a treatment room pursuant to a warrant, should not have been admitted into evidence.

Defendant's convictions were affirmed by the Court of Appeals, over defendant's contention that Title III of the Federal Omnibus Crime Control and Safe Streets Act of 1968 (18 U.S.C. §2510-2520) precludes electronic surveillance in cases of sexual abuse arising out of the victim's incapacity to consent because the offense is not among those crimes enumerated in subdivision 2 of 18 U.S.C. §2516. *See People v. Shapiro,* 50 N.Y. 2d 747 (1980). The Federal wiretapping statute, the Court held, does not preempt State law in the field of video electronic surveillance, for it does not apply to — nor does it prohibit — the type of surveillance challenged.

More importantly, the *Teicher* Court rejected defendant's argument that video surveillance is so intrusive that it must be prohibited on the ground that it is unreasonable *per se* under the Fourth Amendment. The Court wrote: "the Fourth Amendment does not mandate an absolute ban on video surveillance any more than it mandates a total prescription on electronic eavesdropping." 52 N.Y. 2d at 653. Moreover, the warrant used in *Teicher*, although improvised because of the absence of statutory guidelines relating to application therefore and to proper form and content, nonetheless met the constitutional requirements outlined for aural eavesdropping in *Berger* v. *New York*, 388 U.S. 41 (1967), and *Katz* v. *United States*, 389 U.S. 347 (1967), which the Court of Appeals has declared to be equally applicable to video electronic surveillance.

Although upholding video surveillance in *Teicher*, the Court of Appeals expressly limited its opinion, and the guidance to be drawn from it [52 N.Y. 2d at p. 656 (emphasis supplied)]:

> As we have stressed, the constitutional requirements outlined for eavesdropping in *Berger* v. *New York* (388 U.S. 41, *supra*), and *Katz* v. *United States* (389 U.S. 347, *supra*) are equally applicable to the area of video surveillance. While we have discussed several of these requirements in the instant case, our opinion should not be construed as an inventory of each of the necessary elements for such a warrant. The degree of intrusiveness inherent in video electronic surveillance demands unswerving adherence to each of the limitations placed upon the use of this device. *Moreover, because the use of this investigative technique poses a threat to the privacy of citizens, legislative scrutiny of the field and the enactment of specific guidelines would appear to be in order.*

This proposal would implement the Court's suggestion. It prescribes strict conditions to be met before a judge may issue a warrant authorizing video surveillance, and equally strict procedures to be followed in the warrant's execution. Significantly, it authorizes issuance of a video surveillance warrant only as a last resort, when it is clear that all normal nonelectronic investigative techniques have failed to produce evidence, or would fail if tried. *See* proposed §695.20 (2)(d). The *Berger*/*Katz* standards as to eavesdropping are embraced; accordingly, probable cause, specificity and minimization standards have been included and patterned after those set forth in Article 700 of the Criminal Procedure Law with respect to eavesdropping warrants. Provisions for recording, extension orders, notice, sealing, and the disclosure and use of information derived from video surveillance have also been included, likewise paralleling those prescribed by Article 700.

Proposal

AN ACT

To amend the criminal procedure law, in relation to securing evidence by use of video surveillance

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The criminal procedure law is amended by adding a new article six hundred ninety-five to read as follows:

Article 695-VIDEO SURVEILLANCE WARRANTS

§695.05 Video surveillance warrants; definition of terms.
§695.10 Video surveillance warrants; in general.
§695.15 Video surveillance warrants; when issuable.
§695.20 Video surveillance warrants; application.
§695.25 Video surveillance warrants; determination of application
§695.30 Video surveillance warrants; form and content.
§695.35 Video surveillance warrants; manner and time of execution.
§695.40 Video surveillance warrants; order of extension.
§695.45 Video surveillance warrants; progress reports and notices.
§695.50 Video surveillance warrants; custody of warrants, applications and recordings.
§695.55 Video surveillance warrants; disclosure and use of information; order of amendment.
§695.60 Video surveillance warrants; notice before use of evidence.
§695.65 Video surveillance warrants; deemed to include authorization for eavesdropping.

§695.05 Video surveillance warrants; definition of terms.

As used in this article, the following terms have the following meanings:

1. "Video surveillance" means the intentional visual observation of a person by means of a television camera or other similar electronic device that is part of a television transmitting apparatus, whether or not such observation is recorded on film or videotape, and under circumstances whereby such observation, in the absence of a video surveillance warrant, infringes upon such persons's reasonable expectation of privacy under the constitution of this state or of the United States.

2. "Video surveillance warrant" means an order issued by a justice authorizing video surveillance.

3. "Justice", except as otherwise provided herein, means any justice of an appellate division of the judicial department in which the video surveillance warrant is to be executed, or any justice of the supreme court of the judicial district in which the video surveillance warrant is to be executed, or any county court judge of the county in which the video surveillance warrant is to be executed.

4. "Exigent circumstances" means conditions requiring the preservation of secrecy, and whereby there is a reasonable likelihood that a continuing investigation would be thwarted by alerting any of the persons subject to surveillance to the fact that such surveillance had occurred.

5. "Law Enforcement Officer" means any police officer, peace officer or district attorney.

6. "Specified offense" means any felony defined by the penal law or a conspiracy or an attempt to commit any such felony.

§695.10 Video surveillance warrants; in general. 1. Under circumstances prescribed in this article, a justice may issue a video surveillance warrant upon ex parte application of a district attorney or the attorney general.

2. A video surveillance warrant may only be executed by a law enforcement officer or a person acting pursuant to his direction or in cooperation with him.

3. No video surveillance warrant may authorize or approve the video surveillance of any person for any period longer than is necessary to achieve the objective of the authorization, or in any event longer than thirty days.

§695.15. Video surveillance warrants; when issuable. A video surveillance warrant may be issued only upon: 1. An appropriate application made in conformity with this article; and

2. Probable cause to believe that a person is committing or is about to commit a specified offense; and

3. Probable cause to believe that a particular activity related to the commission of a specified offense will be observed through the use of video surveillance; and

4. A showing that normal, nonelectronic investigative procedures have been tried and have failed, or reasonably appear to be unlikely to succeed if tried, or to be too dangerous to employ; and

5. Probable cause to believe that the place where the video surveillance is to be conducted is being used, or is about to be used, in connection with the commission of a specified offense, or is leased to, listed in the name of, or commonly used by such person.

§695.20. Video surveillance warrants; application. 1. An ex parte application for a video surveillance warrant must be made to a justice in writing, and must be subscribed and sworn to by the applicant therefor.

2. The application must contain: (a) The identity of the applicant and a statement of the applicant's authority to make such application; and

(b) A particular description of the place or places where the video surveillance is to be conducted, and, if known, a particular description and the identity of the person or persons whose activities are sought to be observed; and

(c) A full and complete statement of the facts and circumstances relied upon by the applicant to justify his belief that a video surveillance warrant should be issued, including a statement of facts supporting a finding of probable cause to believe the matters set forth in subdivisions two, three and five of section 695.15; and

(d) A full and complete statement of facts establishing that normal, nonelectronic investigative procedures have been tried and have failed, or reasonably appear to be unlikely to succeed if tried or to be too dangerous to employ, to obtain the evidence sought; and

(e) A statement of the period of time for which the video surveillance is required to be maintained. If the nature of the investigation is such that the authorization for video surveillance should not automatically terminate when the described type of activity has been first observed, a particular description of facts establishing probable cause to believe that additional activity of the same type will occur thereafter; and

(f) A full and complete statement of facts concerning all previous applications, known to the applicant, for a video surveillance warrant involving any of the same persons or places specified in the application, and the action taken by the justice on each such application.

3. Allegations of fact in the application may be based either upon the personal knowledge of the applicant or upon information and belief. If the applicant personally knows the facts alleged, it must be so stated. If the facts stated in the application are derived in whole or part from the statements of persons other than the applicant, the sources of such facts must be either disclosed or described, and the application must contain facts establishing the existence and reliability of the informants or the reliability of the information supplied by them. The application must also state, so far as possible, the basis of the informant's knowledge or belief. Affidavits of persons other than the applicant may be submitted in conjunction with the application if they tend to support any fact or conclusion alleged therein. Such accompanying affidavits may be based either on personal knowledge of the affiant, or information and belief with the source thereof and the reason therefor specified

§695.25. Video surveillance warrants; determination of application. 1. If the application conforms to section 695.20, the justice may require the applicant to furnish additional testimony or documentary evidence in support of the application. He may examine, under oath, any person for the purpose of determining whether grounds exist for the issuance of the warrant pursuant to section 695.15. Any such examination must be either recorded or summarized in writing.

2. If the justice determines on the basis of the facts submitted by the applicant that grounds exist for the issuance of a video surveillance warrant pursuant to section 695.15, the justice may grant the application and issue a video surveillance warrant, in accordance with section 695.30.

3. If the application does not conform to section 695.20, or if the justice is not satisfied that grounds exist for the issuance of a video surveillance warrant, the application must be denied.

§695.30 Video surveillance warrants; form and content. A video surveillance warrant must contain: 1. The name of the applicant, date of issuance, and the subscription and title of the issuing justice; and

2. If known, a particular description and the identity of the person or persons whose activities are to be subject to video surveillance; and

3. A particular description of the place or places to be subject to video surveillance; and

4. A particular description of the activity sought to be observed, and a statement of the specified offense to which it relates; and

5. The identity of the person or persons authorized to conduct the video surveillance; and

6. The period of time during which the video surveillance is authorized, including a statement as to whether or not it shall automatically terminate when the described activity has been first observed; and

7. A provision that the authorization for video surveillance shall be executed as soon as practicable, shall be conducted in such a way as to minimize the surveillance of activities not specifically sought to be observed by the terms of the warrant, and must terminate upon attainment of the authorized objective, or in any event in thirty days; and

8. An express authorization to make secret entry upon a private place or premises to intall any instrument, device or equipment necessary to conduct video surveillance, if such entry is necessary to execute the warrant.

§695.35. Video surveillance warrants; manner and time of execution. 1. A video surveillance warrant must be executed according to its terms by the person or persons authorized therein.

2. Upon termination of the authorization in the warrant, video surveillance as provided therein must cease and any instrument, device or equipment installed for such purpose must be removed or permanently inactivated as soon as practicable. Entry upon a private place or premise for the removal or permanent inactivation of such instrument, device or equipment is deemed to be authorized by the warrant.

3. Any activity observed by video surveillance by any means authorized by this article must be recorded. The recording of such activity must be done in such a way as will protect the recording from editing or other alterations.

§695.40 Video surveillance warrants; order of extension. At any time prior to the expiration of a video surveillance warrant, the applicant may apply to the issuing justice, or, if he is unavailable, to another justice, for an order of extension. The period of entension shall be no longer than the justice deems necessary to achieve the purposes for which it was granted and in no event longer than thirty days. The application for an order of extension must conform in all respects to the provisions of section 695.20 and, in addition, must contain a statement summarizing the activities thus far observed through the video surveillance, together with a reasonable explanation for the failure to achieve completely the warrant's authorized objective.

The provisions of sections 695.15 and 695.25 are applicable in the determination of such application. The order of extension must conform in all respects to the provisions of section 695.30. In the execution of such order of extension the provisions of section 695.35 are applicable.

§695.45. Video surveillance warrants; progress reports and notice. 1. A video surveillance warrant may require reports to be made to the issuing justice showing what progress has been made toward achievement of the authorized objective and the need for continued video surveillance. Such reports shall be made at such intervals as the justice may require.

2. Immediately upon the expiration of the period of a video surveillance warrant, the records made pursuant to subdivision three of section 695.35 must be made available to the issuing justice and sealed under his directions.

3. Within a reasonable time, but in no case later than ninety days after termination of a video surveillance warrant, or expiration of an extension order, except as otherwise provided in subdivision four of this section, written notice of the fact and date of the issuance of the video surveillance warrant, and of the period of authorized video surveillance, and of the fact that during such period, activities of any person or persons were or were not observed through such surveillance, must be personally served upon each person named in the warrant and such other parties to the observed activities as the justice may determine in his discretion is in the interest of justice. The justice, upon filing of a motion by any person served with such notice, may in his discretion make available to such person or his counsel for inspection such portions of the records made pursuant to subdivision three of Section 695.35, any video surveillance warrant or order of extension and any applications therefor as the justice determines to be in the interest of justice.

4. On a showing of exigent circumstances to the issuing justice, the service of the notice required by subdivision three of this section may be postponed by order of the justice for a reasonable period of time. Renewals of an order of postponement may be obtained on a new showing of exigent circumstances.

§695.50. Video surveillance warrants; custody of warrants, applications and recordings. 1. Applications made and warrants issued under this article shall be sealed by the justice. Any video surveillance warrant, together with a copy of papers upon which the application is based, shall be delivered to and retained by the applicant as authority for the surveillance authorized therein. A copy of such video surveillance warrant, together with all the original papers upon which the application was based, must be retained by the justice issuing the same, and, in the event of the denial of an application for such a video surveillance warrant, a copy of the papers upon which the application was based must be retained by the justice denying the same. Such applications and warrants may be disclosed only upon a showing of good cause before a court and may not be destroyed except on order of the issuing or denying justice, and in any event must be kept for ten years.

2. Custody of the recordings made pursuant to subdivision three of section 695.35 may be wherever the justice orders. They may not be destroyed except upon an order of the justice who issued the warrant and in any event must be kept for ten years. Duplicate recordings may be made for use or disclosure pursuant to the provisions of subdivisions one and two of section 695.55 for investigations.

§695.55. Video surveillance warrants; disclosure and use of information; order of amendment. 1. Any law enforcement officer who, by any means authorized by this article, has obtained knowledge of the contents of any recording of an observed activity, or evidence derived therefrom, may disclose such contents to another law enforcement officer to the extent that such disclosure is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure.

2. Any law enforcement officer who, by any means authorized by this article, has obtained knowledge of any of the contents of any recording of an observed activity, or evidence derived therefrom, may use such contents to the extent such use is appropriate to the proper performance of his official duties.

3. Any person who has received, by any means authorized by this article, any information concerning an activity, or evidence derived therefrom, observed in accordance with the provisions of this article, may disclose that activity or such derivitive evidence while giving testimony under oath in any criminal proceeding in any court or in any grand jury proceeding; provided however, that the presence of the seal provided for by subdivision two of section 695.45, or a satisfactory explanation of the absence thereof, shall be a prerequisite for the use or disclosure of any activity or evidence derived therefrom.

4. When a law enforcement officer who, by any means authorized by this article, records an activity which was not otherwise anticipated and which constitutes evidence of any crime that has been, is being or is about to be committed, the contents of such recording, and evidence derived therefrom, may be disclosed or used as provided in subdivisions one and two of this section. Such contents and any evidence derived therefrom may be used under subdivision three of this section when a justice amends the video surveillance warrant to include such contents. The application for such amendment must be made by the applicant as soon as practicable. If the justice finds that such contents were recorded in accordance with the provisions of this article, he may grant the application.

§695.60. Video surveillance warrants; notice before use of evidence. The recording of any activity, or evidence derived therefrom, may not be received in evidence or otherwise disclosed upon a trial of a defendant unless the people, within fifteen days after arraignment and before the commencement of the trial, furnish the defendant with a copy of the video surveillance warrant, and accompanying application, under which recording was authorized or approved. This fifteen day period may be extended by the trial court upon good cause shown if it finds that the defendant will not be prejudiced by the delay in receiving such papers.

§695.65. Video surveillance warrants; deemed to include authorization for eavesdropping. A video surveillance warrant obtained in accordance with the provisions of this article shall be deemed to include authorization to conduct eavesdropping, as defined in section 700.05, simultaneously with video surveillance.

§2. Section 710.20 of such law, as amended by chapter eight of the laws of nineteen hundred seventy-six, subdivision three as amended by chapter two hundred fourteen of the laws of nineteen hundred eighty-two, subdivision five as added and subdivision six as so renumbered by chapter four hundred eighty-one of the laws of nineteen hundred eighty-three, is amended to read as follows:

§710.20 Motion to suppress evidence; in general; grounds for. Upon motion of a defendant who (a) is aggrieved by unlawful or improper acquisition of evidence and has reasonable cause to believe that such may be offered against him in a criminal action, or (b) claims that improper identification testimony may be offered against him in a criminal action, a court may, under circumstances prescribed in this article, order that such evidence be suppressed or excluded upon the ground that it:

1. Consists of tangible property obtained by means of an unlawful search and seizure under circumstances precluding admissibility thereof in a criminal action against such defendant; or

2. Consists of a record or potential testimony reciting or describing declarations or conversations overheard or recorded by means of eavesdropping, obtained under circumstances precluding admissibility thereof in a criminal action against such defendant; or

3. Consists of a record or potential testimony reciting or describing a statement of such defendant involuntarily made, within the meaning of section 60.45; or

4. *Consists of video surveillance accomplished in violation of the provisions of article six hundred ninety-five; or*

5. Was obtained as a result of other evidence obtained in a manner described in [subdivisions] *subdivision* one, two [and], three *or four;* or

[5] *6.* Consists of a chemical test of the defendant's blood administered in violation of the provisions of section eleven hundred ninety-four-a of the vehicle and traffic law or any other applicable law; or

[6] *7.* Consists of potential testimony regarding an observation of the defendant either at the time or place of the commission of the offense or upon some other occasion relevant to the case, which potential testimony would not be admissible upon the prospective trial of such charge owing to an improperly made previous identification of the defendant by the prospective witness.

§3. This act shall take effect on the sixtieth day after it shall have become a law.

13. Conversion of Misdemeanor Complaint to Information (CPL 100.40, 170.65)

The Committee recommends that sections 100.40 and 170.65 of the Criminal Procedure Law be amended to permit a misdemeanor complaint to be converted to an information based on the unsworn testimony of a child witness, where such unsworn testimony is supported by sworn allegations tending to connect defendant with the offense charged.

Under present law, unless defendant waives prosecution by information, a misdemeanor complaint must be replaced by an information (CPL §170.65 (1), (3)). An information is a written accusation that must be verified by being sworn to before the court in which it is filed, a desk officer or any of his superior officers, or a notary public, or by having the deponent sign a form bearing notice that false statements therein are punishable as a class A misdemeanor. CPL §§100.10, 100.30.

The requirement of prosecution by sworn information may present a problem where the complainant is a child. Section 60.20 (2) of the Criminal Procedure Law provides that a child less than twelve years old may not testify under oath unless the court is satisfied that he understands the nature of an oath. Where a child cannot be sworn under section 60.20 (2) because he does not understand the nature of an oath, the requirement that his accusations be verified cannot be satisfied, and the information thereby may be rendered legally insufficient. *See People* v. *Bryan S.*, N.Y.L.J., 9/12/85, p. 6, col. 6 (Crim. Ct. N.Y. Co.).

If the inability of a child to swear to an information results in dismissal of an information for insufficiency, the prosecutor's sole recourse is to ask the grand jury to direct the district attorney to file a prosecutor's information with a local criminal court) *see* CPL §190.60(2)). Since section 60.20 (2) permits a child witness who cannot be sworn to give unsworn oral testimony where the court is satisfied that the child possesses sufficient intelligence and capacity to justify reception thereof, the grand jury may direct the filing of a prosecutor's information on the basis of such unsworn testimony, together with any supporting evidence. In *People* v. *Bryan S.*, the Court noted that it was aware of the difficulty and expense of securing a prosecutor's information for misdemeanor charges. Thus, as a practical matter, the requirement of securing a prosecutor's information may result in the discontinuation of prosecution of many cases in which a child complainant cannot be sworn.

In view of the large number of child abuse cases in which this issue may arise, the Court in *People* v. *Bryan S.* recommended that the Legislature amend the Criminal Procedure Law to permit a complaint to be converted to an information based on unsworn, but reliable, testimony of a child, together with corroborating evidence. This measure seeks to implement the Court's suggestion by appropriate amendments to sections 100.40 (1) (c) and 170.65 (1) of the Criminal Procedure Law. It provides that where a complaint does not satisfy the requirements for a valid information solely because of the inability of a child less than 12 years old to understand the nature of an oath, such requirements shall be deemed satisfied where the unsworn allegations of the child, if true, are sufficient to establish every element of the offense and defendant's commission thereof, and are supported by sworn allegations. In place of the present necessity of obtaining a prosecutor's information, this measure would substitute a simple procedure that would protect victims of child abuse without violating defendant's rights.

AN ACT

To amend the criminal procedure law, in relation to converting misdemeanor complaints to informations

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. paragraph (c) of subdivision one of section 100.40 of the criminal procedure law, is amended to read as follows:

(c) [Non-hearsay] *Except as otherwise provided in subdivision one of section 170.65, nonhearsay* allegations of the factual part of the information and/or of any supporting depositions establish, if true, every element of the offense charged and the defendant's commission thereof.

§2. Subdivision one of section 170.65 of such law is amended to read as follows:

1. A defendant against whom a misdemeanor complaint is pending is not required to enter a plea thereto. For purposes of prosecution, such instrument must, except as provided in subdivision three, be replaced by an information, and the defendant must be arraigned thereon. If the misdemeanor complaint is supplemented by a supporting deposition and such instruments taken together satisfy the requirements for a valid information, such misdemeanor complaint is deemed to have been converted to and to constitute a replacing information. *Where a misdemeanor complaint does not satisfy the requirements for a valid information solely because of the inability of a child less than twelve years old to understand the nature of an oath, the aforesaid requirements shall be deemed satisfied where the unsworn allegations of such child, as set forth in the accusatory instrument or supporting deposition, if true, are sufficient to establish every element of the offense charged and of defendant's commission thereof, and are supported by sworn allegations in the accusatory instrument or supporting deposition tending to connect the defendant with the offense charged.*

§3. This act shall take effect thirty days after it shall have become a law.

14. Videotaping of Examination on Commission (CPL Article 680)

The Committee recommends that sections 680.10, 680.20, 680.60, 680.70 and 680.80 of the Criminal Procedure Law be amended to permit an examination of a witness on commission to be videotaped.

In its Ninth Annual Report to the Chief Administrator of the Courts and the Judicial Conference (p. 149), the Advisory Committee recommended that Article 660 be amended to permit a conditional examination to be videotaped, because:

> The use of videotape in preserving deposition testimony provides a procedure which assures the accuracy and the integrity of the record. It provides a permanent viewable record of both direct testimony and cross-examination of the deponent, thereby enabling the jury to observe the demeanor of the witness while testifying.

Article 660 was amended in 1980 in accordance with the recommendations of the Advisory Committee. No corresponding amendment, however, was made to Article 680 with respect to examinations on commission. Since the only distinction between an examination on a commission and a conditional examination is that the former takes place out of state (*see People* v. *Simpson*, N.Y.L.J., 5/20/85, p. 15, cols. 4-5, n.4), the same reasons for permitting a conditional examination to be videotaped obtain for an examination on commission. Article 680 therefore should be amended to expressly authorize videotaping of such examinations.

Proposal

AN ACT

To amend the criminal procedure law, in relation to videotaping of examinations of witnesses on commission

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision three of section 680.20 of the criminal procedure law is renumbered to be four and a new subdivision three is added to such section to read as follows:

3. The application for issuance of a commission may request that the examination pursuant thereto, in addition to its being recorded in the same manner as would be required were the witness testifying at trial, be recorded by videotape or other photographic or electronic method in conformance with standards and administrative policies promulgated pursuant to section twenty-eight of article six of the constitution.

§2. Paragraph (d) of subdivision one of section 680.60 of such law is amended to read as follows:

(d) A direction that, upon completion of such examination, such commissioner or commissioners cause it to be transcribed and remit to the court the transcript, the commission, the interrogatories and all other pertinent instruments and documents. *The court may, in addition, direct that the examination also be recorded by videotape or other photographic or electronic method in conformance with standards and administrative policies promulgated pursuant to section twenty-eight of article six of the constitution.*

§3. Subdivisions one and five of section 680.70 of such law are amended to read as follows:

1. Each witness must testify under oath, and the examinations must be recorded and transcribed *in the manner directed pursuant to paragraph (d) of subdivision one of section 680.60.*

5. [After the examination is transcribed.] *The transcript and any videotape or photographic or electronic recording of the examination must be certified by* the commissioner or commissioners [must subscribe and certify the transcript] as an accurate record of the proceedings, and must then [remit such transcript and] *be remitted to the court that issued the commission, together with* all other pertinent instruments, documents and evidence [to the court which issued the commission], in accordance with the directions [thereof] *of the commission.*

§4. Subdivision two of section 680.80 of such law is amended to read as follows:

2. Upon the trial of the action, either party may, subject to the provisions of subdivision three, introduce and read into evidence the transcript or that portion thereof containing the testimony of a witness examined on the commission and may play any videotape or photographic or electronic recording of such testimony.

§5. This act shall take effect thirty days after it shall have become a law.

15. Reduction of Peremptory Challenges (CPL 270.25)

The Committee recommends that section 270.25 of the Criminal Procedure Law be amended to reduce the number of peremptory challenges alloted to a single defendant from 20 to 15 if the highest crime charged is a Class A felony, from 15 to 12 if the highest crime charged is a Class B or C felony, and from ten to eight in all other cases. Where two or more defendants are tried together, the number of peremptory challenges alloted would remain at 20 for Class A felony, 15 for a Class B or C felony, and ten for all other cases. The Committee further proposes that, for good cause shown, the court be permitted to increase the number of peremptory challenges available to either single or multiple defendants.

After conducting an intensive study of the method of jury selection in New York, the Subcommittee on the Jury System of the Advisory Committee on Court Administration, chaired by the Hon. Caroline K. Simon, recommended the reduction of the number of peremptory challenges to the levels proposed herein as a means of improving the efficiency of our jury selection system. Subcommittee on the Jury System, *Interim Report*, 1976 77. The Subcommittee based its recommendation on the following specific findings:

> 1. There is a direct correlation between the number of peremptory challenges permitted and the excessively large size of panels sent to *voir dire.*
>
> 2. Peremptory challenges extend the time necessary to conduct *voire dire*, which has the effect of delaying trials and congesting court calendars.
>
> 3. The use of the challenge provokes hostility and resentment on the part of jurors who are peremptorily excused.
>
> 4. The availability of a large number of peremptory challenges in criminal cases can result in systematic exclusion of particular groups from jury service in a given trial.
>
> 5. It is questionable whether the peremptory challenge accomplishes the purpose for which it was devised producing an impartial jury: indeed, it may convincingly be argued that it is used by attorneys to pick a biased jury rather than an unbiased one.

The Subcommittee also noted that New York now allows more challenges in felony cases than most other states.

This Committee agrees with these findings and recommends this proposal as an effective method of reducing a significant amount of delay in the conduct of criminal jury trials, without diminishing the fairness of the trail. Our proposal would permit the court, for good cause shown, to increase the number of alloted peremptory challenges allowed to single or multiple defendants. We feel this authority is necessary to preserve the rights of the parties in exceptional cases.

Proposal

AN ACT

To amend the criminal procedure law, in relation to the number of peremptory challenges

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions two and three of section 270.25 of the criminal procedure law are amended to read as follows:

2. [Each] *When one defendant is tried, each* party must be allowed the following number of peremptory challenges:

(a)[Twenty] *Fifteen* for the regular jurors if the highest crime charged is a class A felony, and two for each alternate juror to be selected, *except that, for good cause shown, the court may allow up to five additional peremptory challenges to regular jurors.*

(b) [Fifteen] *Twelve* for the regular jurors if the highest crime charged is a class B or class C felony, and two for each alternate juror to be selected, *except that, for good cause shown, the court may allow up to three additional peremptory challenges to regular jurors.*

(c) [Ten] *Eight* for the regular jurors in all other cases, and two for each alternate juror to be selected, *except that, for good cause shown, the court may allow up to two additional peremptory challenges to regular jurors.*

3. When two or more defendants are tried jointly, [the number of peremptory challenges prescribed in subdivision two is not multiplied by the number of defendants, but such defendants] *each party must be allowed the following number of peremptory challenges:*

(a) Twenty for the regular jurors if the highest crime charged is a class A felony, and two for each alternate juror to be selected, except that, for good cause shown, the court may allow up to five additional peremptory challenges to regular jurors.

(b) Fifteen for the regular jurors if the highest crime charged is a class B or class C felony, and two for each alternate juror to be selected, except that, for good cause shown, the court may allow up to three additional peremptory challenges to regular jurors.

(c) Ten for the regular jurors in all other cases, and two for each alternate juror to be selected, except that, for good cause shown, the court may allow up to two additional peremptory challenges to regular jurors.

All defendants tried jointly are to be treated as a single party. In any such case, a peremptory challenge by one or more defendants must be allowed if a majority of the defendants join in such challenge. Otherwise, it must be disallowed.

§3. This act shall take effect sixty days after it shall have become a law.

16. Use of Conditional Examinations and Prior Testimony (CPL 660.20, 660.50, 670.10)

Eight years ago, the Committee recommended an amendment to Article 660 of the Criminal Procedure Law to authorize the videotaping of conditional examinations, to expand authorization for use of these examinations and to expand the use of prior testimony in general. Although authorization for videotaping was adopted in the 1979-80 session of the Legislature, the remainder of the Committee's proposal was not passed. The Committee now recommends that section 660.20 be amended to allow conditional examinations of witnesses where there is a showing of an attempt to induce the witness to be absent or otherwise unavailable to testify, and to permit the use of prior testimony given at any pretrial hearing when all statutory conditions are met. The Committee further proposes that section 660.50 of the Criminal Procedure Law be amended to provide that upon request by either party, the court must order that a conditional examination be videotaped in addition to being transcribed.

The expansion of the use of conditional examinations to situations where there is an attempt to induce the witness to be absent is a reasonable response to those rare situations in which this authority is necessary. This especially is true now that the examination may be videotaped, thereby enabling the trier of fact to obtain a complete view of the witness as well as a transcript of the testimony.

Authority to use transcripts of prior testimony given at pretrial hearings likewise is reasonable and desirable, since the statute already permits the use of previous testimony given at preliminary hearings upon felony complaints. Other previous testimony is no less reliable and, therefore, also should be admissable when all other statutory requirements are met. The United States Supreme Court has determined that the use of previous testimony of an unavailable witness does not violate the confrontation clause of the United States Constitution, when adequate safeguards similar to those applicable *in New York* exist to ensure the reliability of the testimony. *Ohio* v. *Roberts*, 448 U.S. 56 (1980).

Proposal

AN ACT

To amend the criminal procedure law, in relation to conditional examination of witnesses

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 660.20 of the criminal procedure law is amended to read as follows:

§660.20 Examination of witnesses conditionally; grounds for order. An order directing examination of a witness conditionally must be based upon the [ground] *grounds* that there is reasonable cause to believe that such witness[: 1. Possesses] *possesses* information material to the criminal action or proceeding in issue[;], and *that:*

[2. Will] *1. The witness will* not be amenable or responsive to legal process or available as a witness at a time when his testimony will be sought, either because he is [:

(a) About] *about* to leave the state and not return for a substantial period of time[;] or *he is*

[(b) Physically] *physically* ill or incapacitated*; or*

2. there has been an attempt to induce such person to absent himself from, or otherwise to avoid or seek to avoid appearing or testifying at such action or proceeding.

§2. Subdivision three of section 660.50 of such law, as added by chapter two hundred ninety-one of the laws of nineteen hundred eighty, is amended to read as follows:

3. The court must order that the examination be recorded in the same manner as would be required were the witness testifying at trial, and the court may, [in addition,] *and upon request by a party must,* order that the examination also be recorded by videotape or other photographic *or electronic* method [approved by and subject to] *in conformance with* standards and administrative policies promulgated pursuant to section twenty-eight of article six of the constitution.

§3. Subdivision one of section 670.10 of such law, as amended by chapter two hundred ninety-one of the laws of nineteen hundred eighty, is amended to read as follows:

1. Under circumstances prescribed in this article, testimony given by a witness at (a) a *hearing or* trial of an accusatory instrument, or (b) [a hearing upon a felony complaint conducted pursuant to section 180.60, or (c)] an examination of such witness conditionally, conducted pursuant to article six hundred sixty, may, where otherwise admissable, be received into evidence at a subsequent proceeding in or relating to the action involved when at the time of such subsequent proceeding the witness is unable to attend the same by reason of death, illness or incapacity, or cannot with due diligence be found, or is outside the state or in federal custody and cannot with due diligence be brought before the court. Upon being received into evidence, such testimony may be read and any videotape or photographic recording thereof played. Where any recording is received into evidence, the stenographic transcript of that examination shall also be received.

§4. This act shall take effect immediately.

17. Discharge of Alternate Jurors
(CPL 270.30, 270.35)

The Committee recommends that section 270.30 of the Criminal Procedure Law be amended to provide that alternate jurors may return to their homes and employment during jury deliberations, and that the language of section 270.30 be conformed to that of section 270.35 of the Criminal Procedure Law. The Committee further proposes that section 270.35 of the Criminal Procedure Law be amended to provide that, upon request by either party, an alternate juror substituted for a discharged juror must be read any supplemental instructions given to the jury.

Section 270.30 now provides that alternate jurors who have not been discharged on consent of the parties shall be kept separate and apart from the regular jurors during jury deliberations. This apparently requires alternate jurors to be sequestered while the jury deliberates. Pursuant to section 270.35 of the Criminal Procedure Law, once jury deliberations begin, an alternate juror cannot be substituted for a discharged juror without defendant's consent.

In view of the very slight possibility of defendant's consenting to the substitution of an alternate juror after jury deliberations have commenced, the Committee believes it is unfair to detain alternate jurors for the duration of jury deliberations. Alternate jurors instead should be allowed to return to their homes or work until such time as their presence is required in court. To insure that an alternate juror substituted for a discharged juror is given the benefit of any supplemental instructions given to the jury during deliberations, this measure amends section 270.35 to provide that such instructions shall be read to the alternate juror upon request by either party.

This measure also amends the language of section 270.30 to conform to that of section 270.35. The phrase, "After the jury has retired to deliberate" in the third sentence of section 270.30 is changed to the more technically precise phrase, "After the trial jury has begun its deliberations." this change will eliminate any ambiguity as to whether defendant's consent to substitution is necessary if a juror becomes ill or unable to serve on the way from the jury box to the deliberation room.

Proposal

AN ACT

To amend the criminal procedure law, in relation to the discharge of alternate jurors

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 270.30 of the criminal procedure law, as amended by chapter two hundred sixty-seven of the laws of nineteen hundred seventy-nine, is amended to read as follows:

§270.30. Trial jury; alternate jurors. Immediately after the last trial juror is sworn, the court may in its discretion direct the selection of one or more, but not more than four additional jurors to be known as "alternate jurors." Alternate jurors must be drawn in the same manner, must have the same qualifications, must be subject to the same examination and challenges for cause and must take the same oath as the regular jurors. After the jury has [retired to deliberate] *begun its deliberations*, the court must [either (1) with the consent of the defendant and the people,] discharge the alternate jurors *if the defendant and the people consent to such discharge. If the defendant and the people do not so consent, the court must* [or (2)] direct the alternate jurors not to discuss the case and must further direct that they be kept separate and apart from the regular jurors. *The court may, however, permit the alternate jurors to return to their homes and employment until such time as their presence is required in court.*

§2. Section 270.35 of the criminal procedure law, as amended by chapter seventy-seven of the laws of nineteen hundred seventy-five, is amended to read as follows:

§270.35. Trial jury; discharge of juror; replacement by alternate juror. If at any time after the trial jury has been sworn and before the rendition of its verdict, a juror is unable to continue serving by reason of illness or other incapacity, or for any other reason is unavailable for continued service, or the court finds, from facts unknown at the time of the selection of the jury, that a juror is grossly unqualified to serve in the case or has engaged in misconduct of a substantial nature, but not warranting the declaration of a mistrial, the court must discharge such juror. If an alternate juror or jurors are available for service, the court must order that the discharged juror be replaced by the alternate juror whose name was first drawn and called, provided, however, that if the trial jury has begun its deliberations, the defendant must consent to such replacement. Such consent must be in writing and must be signed by the defendant in person in open court in the presence of the court. *Upon the request of either the defendant or the people, any alternate juror who replaces a discharged juror must be read any supplemental instructions given to the jury during its deliberations.* If no alternate juror is available, the court must declare a mistrial pursuant to subdivision three of section 280.10.

§3. This act shall take effect thirty days after it shall have become law.

III. New Measures

1. Motion to Reduce Indictment (CPL 30.30, 100.10, 210.20, 210.30, 450.20, 450.55, 460.40)

The Committee recommends that section 210.20 of the Criminal Procedure Law be amended to provide that upon motion of the defendant, the court may reduce an indictment or any count of such indictment upon the ground that the evidence before the grand jury was not legally sufficient to establish defendant's commission of the offense charged, but was legally sufficient to establish the commission of a lesser included offense. The Committee further proposes that a new section 450.55 be added to the Criminal Procedure Law to provide for the taking of an expedited appeal by the People from an order reducing a count of an indictment, that section 460.40 of the Criminal Procedure Law be amended to provide for the stay of any such order pending an appeal, and that conforming amendments be made to sections 30.30, 100.10, 210.30 and 450.20 of the Criminal Procedure Law.

Under present law, the court must sustain an indictment if the evidence before the grand jury legally was sufficient to establish the offense charged or any lesser included offense (CPL §210.20(1) (b)). Where the court finds that the evidence before the grand jury supports only a lesser included offense, it has no power to reduce the indictment to conform to the evidence presented to the grand jury. The result of this rule is that defendants often are prosecuted on charges not supported by the evidence. Such overcharging places defendant at a disadvantage in plea negotiations, and inflates the number of peremptory challenges to which the parties are entitled (*see* CPL §270.25).

This measure would remedy the problem of overcharging by empowering the court to reduce an indictment where the evidence before the grand jury supports only a lesser included offense of the count charged. In order to preserve prosecutorial prerogatives, however, the People are given three options following entry of an order reducing an indictment. First, they may represent the case to the same or a different grand jury without having to obtain leave of court (*compare* CPL §210.20(4), which requires court permission to resubmit an indictment dismissed for insufficiency). Second, they may accept the reduction and amend the indictment accordingly. Third, they may appeal from an order reducing an indictment. CPL 450.20(1)). The measure further provides for a stay of an order reducing an indictment, pending an appeal by the People from such order.

This proposed change in the law was recommended by the New York State Committee on Sentencing Guidelines and was included in the Governor's bill to codify the recommendations of that Committee (S.6595 of 1985).

Proposal

AN ACT

To amend the criminal procedure law, in relation to motion to reduce indictment

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision five of section 30.30 of the criminal procedure law is amended to add new paragraphs (e) and (f), to read as follows:

(e) where a count of an indictment is reduced to charge only a misdemeanor or petty offense and an amended indictment or a prosecutor's information is filed pursuant to subdivisions two and six of section 210.20, the period applicable for the purposes of subdivision one of this section must be the period applicable to the charges in the new accusatory instrument, calculated from the date of the filing of such new accusatory instrument; provided, however, that when the aggregate of such period and the period of time, excluding the periods provided in subdivision four of this section, already elapsed from the date of the filing of the indictment to the date of the filing of the new accusatory instrument exceeds six months, the period applicable to the charges in the indictment must remain applicable and continue as if the new accusatory instrument had not been filed;

(f) where a count of an indictment is reduced to charge only a misdemeanor or petty offense and an amended indictment or a prosecutor's information is filed pursuant to subdivisions two and six of section 210.20, the period applicable for the purposes of subdivision two of this section must be the period applicable to the charges in the new accusatory instrument, calculated from the date of the filing of such new accusatory instrument; provided, however, that when the aggregate of such period and the period of time, excluding the periods provided in subdivision four of this section, already elapsed from the date of the filing of the indictment to the date of the filing of the new accusatory instrument exceeds ninety days, the period applicable to the charges in the indictment must remain applicable and continue as if the new accusatory instrument had not been filed.

§2. Subdivision three of section 100.10 of such law is amended to read as follows:

3. A "prosecutor's information" is a written accusation by a district attorney, filed with a local criminal court, either (a) at the direction of a grand jury pursuant to section 190.70, or (b) at the direction of a local criminal court pursuant to section 180.50 or 180.70, or (c) at the district attorney's own instance pursuant to subdivision two of section 100.50, *or (d) at the direction of a superior court pursuant to subdivision two of section 210.20*, charging one or more persons with the commission of one or more offenses, none of which is a felony. It serves as a basis for the prosecution of a criminal action, but it commences a criminal action only where it results from a grand jury direction issued in a case not previously commenced in a local criminal court.

§3. The section heading of section 210.20 of the criminal procedure law is amended to read as follows:

§210.20. Motion to dismiss *or reduce* indictment.

§4. Subdivisions two, three, four and five of section 210.20 of the criminal procedure law, subdivision two as amended by chapter seven hundred sixty-three of the laws of nineteen hundred seventy-four, subdivision four as amended by chapter four hundred sixty-seven of the laws of nineteen hundred seventy-four and subdivision five as added by chapter one hundred thirty-six of the laws of nineteen hundred eighty, are renumbered three, four, five and seven, and new subdivisions two and six are added, to read as follows:

2. After arraignment upon an indictment, if the superior court, upon motion of the defendant, finds that the evidence before the grand jury was not legally sufficient to establish the commission by the defendant of the offense charged, but was legally sufficient to establish the commission of a lesser included offense, it shall order the count or counts of the indictment with respect to which the finding is made reduced to allege the most serious lesser included offense with respect to which the evidence before the grand jury was sufficient, except that where the most serious lesser included offense thus found is a petty offense, and the court does not find evidence of the commission of any crime, it shall order the indictment dismissed and a prosecutor's information charging the petty offense filed in the appropriate local criminal court.

* * *

6. The effectiveness of an order reducing a count or counts of an indictment or dismissing an indictment and directing the filing of a prosecutor's information shall be stayed for five days following the entry of such order. On or before the conclusion of such five-day period, the people shall exercise one of the following options:

(a) Accept the court's order by filing an amended indictment or by dismissing the indictment and filing a prosecutor's information, as appropriate;

(b) Resubmit the subject count or counts to the same or a different grand jury, within 30 days of the entry of the order or such additional time as the court may permit upon a showing of good cause; provided, however, that if in such case an order is again entered with respect to such count or counts pursuant to subdivision two of this section, such count or counts may not again be submitted to a grand jury. Where the people exercise this option, the effectiveness of the order further shall be stayed pending a determination by the grand jury to which the count or counts are resubmitted;

(c) Appeal the order pursuant to subdivision two of section 450.20, within the time limits set forth in section 450.55. Where the people exercise this option, the effectiveness of the order further shall be stayed in accordance with the provisions of section 460.40.

§5. The section heading and subdivision one of section 210.30 of such law are amended to read as follows:

§210.30. Motion to dismiss *or reduce* indictment on ground of insufficiency of grand jury evidence; motion to inspect grand jury minutes.

1. A motion to dismiss an indictment or a count thereof [, based upon the ground that the evidence before the grand jury was not legally sufficient to establish the commission by the defendant of the offense charged or any lesser included offense,] *pursuant to paragraph (b) of subdivision one of section 210.20 or a motion to reduce a count or counts of an indictment pursuant to subdivision two of section 210.20* must be preceded or accompanied by a motion to inspect the grand jury minutes, as prescribed in subdivision two *of this section.*

§6. Subdivisions two, three, four, five, six, seven, eight and nine of section 450.20 of such law, subdivision two as amended by chapter one hundred seventy of the laws of nineteen hundred eighty-three and subdivision nine as added by chapter five hundred sixteen of the laws of nineteen hundred eighty-six, are renumbered three, four, five, six, seven, eight, nine and ten, and a new subdivision two is added, to read as follows:

2. an order reducing a count or counts of an indictment or dismissing an indictment and directing the filing of a prosecutor's information, entered pursuant to section 210.20;

§7. A new section 450.55 is added to such law, to read as follows:

§450.55. Appeal by people from order reducing a count of an indictment or directing the filing of a prosecutor's information. In taking an appeal to an intermediate appellate court pursuant to subdivision two of section 450.20, the people shall within five days following entry of an order reducing a count or counts of an indictment or dismissing an indictment and directing the filing of a prosecutor's information, file a notice of intent to appeal and shall perfect such appeal within twenty days thereafter, excluding any period of delay caused or sought by or on behalf of the defendant. Failure to perfect such appeal as provided herein shall automatically vacate the stay provided by subdivision two of section 460.40.

§8. Section 460.40 of such law is amended to read as follows:

1. The taking of an appeal by the defendant directly to the court of appeals, pursuant to subdivision one of section 450.70, from a superior court judgment including a sentence of death stays the execution of such sentence. [In] *Except as provided in subdivision two of this section, in* no other case does the taking of an appeal, by either party, in and of itself stay the execution of any judgment, sentence or order of either a criminal court or an intermediate appellate court.

2. The taking of an appeal by the people to an intermediate appellate court, pursuant to subdivision two of section 450.20, from an order reducing a count or counts of an indictment or dismissing an indictment and directing the filing of a prosecutor's information, stays the effect of such order. Such stay shall be vacated automatically upon failure of the people to perfect such appeal as provided by section 450.55.

§9. This act shall take effect ninety days after it shall have become a law.

IV. Conclusion

The Committee will continue to meet regularly to study and discuss all significant proposals affecting criminal law and procedure. We express our gratitude to the Chief Judge, the Chief Administrative Judge and the Judicial Conference, for their support in achieving our shared objective of improving the criminal law.

Respectfully submitted,

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December, 1987

1988 Report

of the

Family Court Advisory and Rules Committee

to the

Chief Administrative Judge of the Courts

of the

State of New York

December, 1987

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I. Introduction

The Family Court Advisory and Rules Committee, one of the standing advisory committees established by the Chief Administrator of the Courts pursuant to section 212 (1) (q) of the Judiciary Law, and section 212 (b) of the Family Court Act annually recommends to the Chief Administrator legislative proposals in the areas of Family Court procedure and family law that may be incorporated in the Chief Administrator's legislative program. The Committee makes its recommendations on the basis of its own studies, examination of decisional law and recommendations received from bench and bar. The Committee maintains a liaison with the New York State Judicial Conference, committees of judges and committees of bar associations, legislative committees, and such agencies as the New York State Commission on Child Support and the Task Force on Permanency Planning. In addition to recommending its own annual legislative program, the Committee reviews and comments on other pending legislative measures concerning Family Court and family law.

In this 1988 Report, the Committee recommends a total of nine bills for enactment by the 1988 Legislature. Of these, two have been previously endorsed, six are entirely new and one is a measure which has been somewhat modified.

Part II of this Report summarizes each of the measures previously submitted and explains the purpose in each instance. Part III summarizes each of the measures being submitted for the first time or being resubmitted in a modified form and explains its purpose. Each measure is followed by a draft of appropriate legislation. Part IV briefly discusses pending and future projects under Committee consideration for legislation.

The six new measures would effect the following changes: (1) amend section 310.2 of the Family Court Act pertaining to speedy trial protection for a respondent in a juvenile delinquency proceeding to make it clear that, if it is a proceeding which has been removed from Supreme Court, the speedy trial protections of the Family Court Act attach from the date of the Supreme Court order of removal; (2) repeal section 255 of the Family Court Act and enact a new section in its place which deletes the precatory language of the present section and clarifies the judge's dispositional authority to order services and the procedures therefor; (3) amend section 112 of the Domestic Relations Law to require the inclusion of the medical history of the natural parents of an adoptive child as part of the court papers in all adoption proceedings; (4) amend section 1026 of the Family Court Act to delete the present requirement for court rules indicating the procedure to be followed when a child has been removed from home without a court order and to render the section gender neutral; (5) amend sections 661 and 663 of the Family Court Act and sections 708, 714, and 1709 of the Surrogate's Court Procedure Act to implement the procedural requirements of Chapter 180 of the Laws of 1987, which gave the Family Court complete original jurisdiction in proceedings to appoint a guardian of the person of a minor and to render the sections gender neutral; (6) amend section 249 of the Family Court Act to mandate the appointment of a law guardian for the child in every foster care review proceeding and to render the section gender neutral.

The modified measure would codify statutorily the factors that may be considered by a Supreme Court justice or Family Court judge in making a custody award between parents.

The following measures recommended in the 1987 Report of the Family Court Advisory and Rules Committee to the Chief Administrator were enacted into law by the 1987 Legislature:

1. Senate 4141-A An Act to amend the Social Services Law in relation to commitment of guardianship and custody of children, enacted as Chapter 136 of the Laws of 1987. This measure authorizes a law guardian or guardian *ad litem*, on the court's direction, to originate a proceeding to terminate parental rights where an agency fails to do so within the time fixed by the court.

2. Senate 4165 An Act to amend the Family Court Act in relation to guardianship of the person of a minor, enacted as Chapter 180 of the Laws of 1987. This measure grants the Family Court the same jurisdiction and authority exercised by the Surrogate's Court over guardianship of the person of a minor.

3. Senate 4261-A An Act to amend the Family Court Act, in relation to support proceeding, enacted as Chapter 856 of the Laws of 1987. This measure indicates a more precise procedure for the application for review by a judge of the support determination made by a hearing examiner.

Senate 19-A An Act to amend the Executive Law, the Family Court Act, the County Law, the New York City Charter and the Social Services Law, in relation to juvenile delinquents and persons in need of supervision and to repeal subdivision twenty and twenty-one of section 371 of the Social Services Law, enacted as Chapter 419 of the Laws of 1987, while not drafted by the Committee in its entirety, contains five sections taken from an omnibus bill recommended in the 1984 and 1985 Reports of the Committee. The changes effected by these sections are technical.

In addition to its 1987 Report on family law and Family Court practice, the Committee during the past year also: (1) submitted to the Chief Administrative Judge an extensive report on methods to reduce trauma for child witnesses in all court proceedings, which included a number of specific recommendations; (2) revised the uniform Family Court rules pertaining to the hearing examiner procedure in support proceedings; (3) revised all adoption forms in consultation with representatives from the Surrogates' Courts; and (4) devised a new form for a child's and natural parent's medical history for use in all adoption proceedings. The Committee also consulted with the Advisory Committee in Civil Practice on a proposed measure to amend the Family Court Act to enable the Family Court to enforce a decree entered in the Supreme Court containing an equitable distribution award or related relief when subsequent proceedings are referred to the Family Court.

The Committee continues to solicit the comments and suggestions of bench, bar, academic community and public, and invites the sending of all observations, suggestions and inquiries to:

Professor Kevin C. Fogarty, *Chair*
Family Court Advisory and Rules Committee
Office of Court Administration (Suite 1402)
270 Broadway
New York, New York 10007

II. Previously Endorsed Measures

1. Elimination of the Vestigial Family Court Jurisdiction in Proceedings for the Education of Children with Handicapping Conditions.

(FCA §§232, 236; Educ. Law §§4401, 4406)

The Committee continues to recommend the amendment of the Family Court Act and the Education Law to remove the remaining jurisdiction of the Family Court in proceedings pertaining to the eduction of children with handicapping conditions.

The present proposal is somewhat modified from the one recommended heretofore and reflects legislative changes in Family Court jurisdiction resulting from the enactment of Chapter 683 of the Laws of 1986. That measure removed the Family Court's jurisdiction over proceedings involving summer programs for handicapped children over 5 years of age, leaving the Family Court with jurisdiction over proceedings involving children under 5 years of age for services during the school year and the summer months.

This measure would repeal section 236 of the Family Court Act, which authorizes the court to enter orders for special education for children under 5 years of age, and correspondingly would repeal section 4406 of the Education Law, which complements section 236 of the Family Court Act. It also would amend subdivision (b) of section 232 of the Family Act, the definitional section, to conform the definition of a physically handicapped child to the definition in section 2581 of the Public Health Law, thereby allowing the Family Court to retain its power to order necessary services other than educational services for a child, *i.e.*, medical, surgical or therapeutic services or hospital care.

In 1976, the Legislature, recognizing the undesirability of the Family Court having jurisdiction over education for handicapped children, removed most of this responsibility from that court, setting up a regional administrative structure in its place. Left unchanged, however, was the need for a Family Court order to cover special services for children under the age of 5 years during the school year and for all children during the summer months when school is not in session. In the 1986 legislative session, the need for a Family Court order to cover children over the age of 5 for services during the summer months was eliminated. As a consequence, at the present time, the Family Court retains jurisdiction over educational services for children under 5 years of age during the entire year.

It has been the position of this Committee that full responsibility for determining and providing for the educational needs of all handicapped children regardless of age appropriately rests elsewhere and that the vestiges of Family Court jurisdiction in this area should be repealed. As recognized by the Legislature in 1976, the Court does not possess the special expertise to make the determinations necessary to fashion an individualized educational program for a child with handicapping conditions. A bill eliminating that responsibility has been introduced in the Legislature for a number of years. Numerous other bills have been introduced in the Legislature from time to time seeking to accomplish this result or part of it, but so far no change has been enacted into law because of unresolved questions concerning the role of executive branch agencies in this process. This measure simply opts for the same structure for pre-school age children that now exists for administering the needs of school-age children — placing the administration of those needs with executive branch agencies who presently are required to handle them.

This measure would have minimal fiscal impact upon the State.

Proposal

AN ACT

To amend the family court act and the education law, in relation to providing for the education of children with handicapping conditions and to repeal section two hundred thirty-six of the family court act and section forty-four hundred six of the education law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (b) of section two hundred thirty-two of the family court act, as amended by chapter six hundred fifty-four of the laws of nineteen hundred eighty-six, is amended to read as follows:

(b) "Child with physical disabilities" means a person under twenty-one years of age who [,] *is handicapped* by reason of a physical disability, whether congenital or acquired by accident, injury or disease, [is or may be expected to be totally or partially incapacitated for education or for remunerative occupation, as provided in the education law,] or has a physical disability, as provided in section two thousand five hundred eighty-one of the public health law.

§2. Section two hundred thirty-six of such act is REPEALED.

§3. Subdivision one of section forty-four hundred one of the education law, as amended by chapter fifty-three of the laws of nineteen hundred eighty-six, is amended to read as follows:

1. A "child with a handicapping condition" means a person *who:*

a. (i) is under the age of twenty-one [who] *and* is entitled to attend public schools pursuant to section thirty-two hundred two of this chapter, *or (ii) is under the age of five and is not entitled to attend school without the payment of tuition pursuant to section thirty-two hundred two of this chapter;* and who,

b. because of mental, physical or emotional reasons can only receive appropriate educational opportunities from a program of special education. Such term does not include a child whose education needs are due primarily to unfamiliarity with the English language, environmental, cultural or economic factors. "Special education" means specially designed instruction which includes special services or programs as delineated in subdivision two of this section, and transportation, to meet the individual educational needs of a child with a handicapping condition.

§4. Section forty-four hundred six of such law is REPEALED.

§5. This act shall take effect on the first day of September next succeeding the date on which it shall have become a law.

REPEAL NOTE: Section two hundred thirty-six of the family court act, proposed to be repealed by this act, gives the family court jurisdiction over the eductional needs of certain handicapped children. Section forty-four hundred six of the education law, proposed to be repealed by this act, prescribes the procedures to be followed in children-with-handicapping conditions proceedings in the family court. These sections would be rendered obsolete by the enactment of this measure, which would place the educational needs of all handicapped children with the state education department.

2. Elimination of Court Approval for Agreement or Compromise for Child Support of an Out-of-Wedlock Child
(FCA §516)

The Committee recommends the repeal of section 516 of the Family Court Act, which requires court approval for an agreement between the mother and putative father for the support and education of an out-of-wedlock child and, when so approved, bars other remedies for the support and education of the child.

It is the view of the Committee that this section is no longer needed or justified because of the significant advances made in the blood genetic marker tests, the statutory enactments requiring their use, and the evidentiary weight the courts are required to accord their results.

Section 516, enacted in 1962 but derived from the old Domestic Relations Law, served two purposes. One was to encourage putative fathers to settle paternity claims, thereby reducing the necessity for legal proceedings. The agreement offered the putative father certainty and a limitation on the father's future support obligation, and the interests of the child and mother were protected by the requirement for judicial review. The second was that the statute helped ensure that the child would not be without support from the father. By furnishing an incentive to settle, the statute tended to prevent support of the out-of-wedlock child from becoming lost in the intricacies of the process and the uncertainty of adjudicatory outcome. *Bacon* v. *Bacon* 46 N.Y. 2d 477, 480 (1979).

However, a number of events have taken place that moved the Committee to recommend the repeal of this section. While blood grouping tests have been in use in paternity proceedings for some time, they were admissible under section 532 of the Family Court Act only for the purposes of excluding the respondent as father. As a result of scientific advances in the field, the Legislature, impressed by the accuracy of the tests, recently amended section 532 to require the use of blood tests as positive evidence of paternity as well. In addition, appellate courts have indicated that the test results are almost tantamount to evidentiary certitude. *Barber* v. *Davis* 120 A.D. 2d 364 (1st Dept., 1986); *Department of Social Services* v. *Thomas J.S.*, 100 A.D. 2d 119 (2d Dept., 1984); *Matter of Abwilda W.*, 122 A.D. 2d 950 (2d Dept., 1984).

In addition to blood testing having advanced so that it establishess paternity with greater certitude, recent legislation requires expedited support proceedings and expands enforcement options, thus making support more readily attainable. Finally, section 513 of the Family Court Act has been amended to make it clear that in-wedlock and out-of-wedlock children must be treated similarly for the purposes of support, thus ending uncertainty about support awards for out-of-wedlock children.

All of these developments, in the opinion of the Committee, have rendered unnecessary, inappropriate and no longer in the child's best interests the compromise procedure contained in section 516 involving court approval and a bar to other remedies for child support. The policy considerations upon which the section was based no longer obtain. In fact, the enforcement of a compromise agreement such as that contemplated under section 516 for the future support of an out-of-wedlock child may now be problematic. Consequently, the Committee feels that judges should not be called upon to approve these agreements, and the section should be repealed.

This measure will have no appreciable financial impact except to the extent that these agreements will no longer be the subject of Family Court proceedings.

Proposal

AN ACT

To amend the family court act, in relation to agreement or compromise of support in paternity proceedings

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section five hundred sixteen of the family court act is REPEALED.

§2. This act shall take effect immediately.

REPEAL NOTE: Section five hundred sixteen of the family court act, proposed to be repealed by this act, provides for court approval of a written agreement or compromise for child support between a putative father and a mother or person on behalf of a child, which, when so approved, bars other remedies for child support.

III. New or Modified Measures

1. Factors to be Considered by a Court in Making an Award of Custody between Parents
(DRL §§70 and 240; FCA §§447, 467, 549, 651, 652)

The Committee continues to recommend the amendment of pertinent sections of the Domestic Relations Law and the Family Court Act to list relevant factors to be considered by a court in making an award of custody where the issue arises between parents in a matrimonial proceeding or in an independent custody proceeding. The list of factors were developed with the cooperation of, and has been approved by, the Custody Committee of the Family Law Section of the New York State Bar Association. The wording is similar to a resolution passed by the Executive Committee of the Family Law Section in September, 1986. The measure, with respect to its procedural aspects, also has the approval of the Advisory Committee on Civil Practice.

This measure would amend sections 70 and 240 of the Domestic Relations Law, which relate to an award of custody between parents in a proceeding in Supreme Court, to list guidelines and criteria now scattered in case law. The measure also would add a provision to these sections requiring the court, where the issue of custody is contested, to state in writing the factors considered in making custody awards and the reasons for the decision. Finally, this measure also would amend sections 447, 467, 549, 651 and 652 of the Family Court Act, by incorporating in these provisions a reference to section 240 of the Domestic Relations Law and thereby adding this codification of guidelines to the Family Court proceedings involving custody.

Under present law, the court has the ultimate authority and responsibility to determine which parent shall have custody of a child based upon what it conceives to be the best interest of the child. Factors considered relevant in making these determinations appear in a number of cases. *Eschbach v. Eschbach*, 56 N.Y. 2d 167 (1982); *Friederwitzer v. Friederwitzer*, 55 N.Y. 2d 89 (1982). Nevertheless, custody determinations, especially where contested, continue to be complicatd and time-consuming, and the resultant delay and trauma for the child has been a matter of concern to the Committee. In its view, a legislative codification culled from case law would be of benefit to the judges and counsel and should help bench and bar shape the proceeding more expeditiously. This should result in the narrowing of issues, greater speed in the disposition of the case, and a clear record upon which an appeal can effectively be disposed of.

This measure would have no fiscal impact.

Proposal

AN ACT

To amend the domestic relations law and the family court act, in relation to child custody

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seventy of the domestic relations law, as amended by chapter five hundred sixty-four of the laws of nineteen hundred sixty-four, is amended to read as follows:

§70. Habeas corpus for child detained by parent. *1.* Where a minor child is residing within this state, either parent may apply to the supreme court for a writ of habeas corpus to have such minor child brought before such court; and on the return thereof, the court, on due consideration, may award the natural guardianship, charge and custody of such child to either parent for such time, under such regulations and restrictions, and with such provisions and directions, as the case may require, and may at any time thereafter vacate or modify such order. In all cases there shall be no prima facie right to the custody of the child in either parent, but the court shall determine solely what is for the best interest of the child, and what will best promote its welfare and happiness, and make award accordingly.

2. In awarding custody between the parties, the court shall consider and evaluate ~~*all*~~ *relevant factors, which may include:*

a. the child's emotional, physical, developmental and educational needs;

b. the child's adjustment in school, home and the community, and need for stability;

c. the wishes of the child's parent or parents with respect to the child's custody;

d. the past and present interrelationship and interaction of the child with the parent;

e. the past and present interaction and interrelationship of the child with siblings and others who may significantly affect the child;

f. the demonstrated and prospective commitment of the parent to the care, supervision and guidance of the child;

g. the mental and physical health of the individuals involved;

h. the preference of the child, if the court deems the child competent to express a preference;

i. the custodial plans for the child's siblings;

j. the history, if any, of either parent with respect to physical, sexual or emotional abuse affecting the welfare of the child;

k. the willingness of each of the parents to encourage and facilitate a close and continuing parent-child relationship between the child and the other parent, and the reasons, if unwilling;

l. any other factor considered by the court to be relevant in the determination of custody in the particular case.

3. In any decision made pursuant to subdivision two of this section where custody is contested, the court shall set forth in writing the factors it considered and the reasons for its decision. This requirement may not be waived by the parties or counsel.

§2. Subdivision one of section two hundred forty of such law, as amended by chapter eight hundred forty-nine of the laws of nineteen hundred eighty-six, is amended to read as follows:

1. *(a)* In any action or proceeding brought (1) to annul a marriage or to declare the nullity of a void marriage, or (2) for a separation, or (3) for a divorce, or (4) to obtain, by a writ of habeas corpus or by petition and order to show cause, the custody of or right to visitation with any child of a marriage, the court must give such direction, between the parties, for the custody, care, education and maintenance of

any child of the parties, as, in the court's discretion, justice requires, having regard to the circumstances of the case and of the respective parties and to the best interests of the child.

(b) In any decision made pursuant to this section where custody is contested, the court shall set forth in writing the factors it considered and the reasons for its decision. This requirement may not be waived by the parties or counsel. The court shall consider and evaluate all relevant factors, which may include:

(1) the child's emotional, physical, developmental and educational needs;

(2) the child's adjustment in school, home and the community, and need for stability;

(3) the wishes of the child's parent or parents with respect to the child's custody;

(4) the past and present interrelationship and interaction of the child with the parent;

(5) the past and present interaction and interrelationship of the child with siblings and others who may significantly affect the child;

(6) the demonstrated and prospective commitment of the parent to the care, supervision and guidance of the child;

(7) the mental and physical health of the individuals involved;

(8) the preference of the child, if the court deems the child competent to express a preference;

(9) the custodial plans for the child's siblings;

(10) the history, if any, of either parent with respect to physical, sexual or emotional abuse affecting the welfare of the child;

(11) the willingness of each of the parents to encourage and facilitate a close and continuing parent-child relationship between the child and the other parent, and the reasons, if unwilling;

(12) any other factor considered by the court to be relevant in the determination of custody in the particular case.

(c) In all cases there shall be no prima facie right to the custody of the child in either parent. Such direction may make provision for the education and maintenance of such child out of the property of either or both of its parents. Such direction may provide for reasonable visitation rights to the maternal and/or paternal grandparents of any child of the parties. Such direction may require the payment of a sum or sums of money either directly to the custodial parent or to third persons for goods or services furnished for such child, or for both payments to the custodial parent and to such third persons. Such direction shall require that where either parent has health insurance available through an employer or organization that may be extended to cover the child and when the court determines that the employer or organization will pay for a substantial portion of the premium on any such extension of coverage, that such parent exercise the option of additional coverage in favor of such child and execute and deliver any forms, notices, documents or instruments necessary to assure timely payment of any health insurance claims for such child. When both parents have health insurance available to them and the court determines that the policies are complementary, the court may order both parents to exercise the option of additional coverage as provided herein. Such direction shall be effective as of the date of the application therefor, and any retroactive amount of support due shall be paid in one sum or periodic sums, as the court shall direct, taking into account any amount of temporary support which has been paid. Such direction may be made in the final judgment in such action or proceeding, or by one or more orders from time to time before or subsequent to final judgment, or by both such order or orders and the final judgment. Such direction may be made notwithstanding that the court for any reason whatsoever, other than lack of jurisdiction, refuses to grant the relief requested in the action or proceeding. Any order or judgment made as in this section provided may combine in one lump sum any amount payable to the custodial parent under this section with any amount payable to such parent under section two hundred thirty-six. Upon the application of either parent, or of any other person or party having the care, custody and control of such child pursuant to such judgment or order, after such notice to the other party or parties or persons having such care, custody and control and given in such manner as the court shall direct, the court may annul or modify any such direction, whether made by order or final judgment, or in case no such direction shall have been made in the final judgment may, with respect to any judgment of annulment or declaring the nullity of a void marriage rendered on or after September first, nineteen hundred forty, or any judgment of separation or divorce whenever rendered, amend the judgment by inserting such direction. Subject to the provisions of section two hundred forty-four of this chapter, no such modification or annulment shall reduce or annul arrears accrued prior to the making of such application unless the defaulting party shows good cause for failure to make application for relief from the judgment or order directing such payment prior to the accrual of such arrears. Such modification may increase such support nunc pro tunc as of the date of application based on newly discovered evidence. Any retroactive amount of support due shall be paid in one sum or periodic sums, as the court shall direct, taking into account any amount of temporary support which has been paid.

§3. Subdivision (a) of section four hundred forty-seven of the family court act is amended to read as follows:

(a) In the absence of an order of custody or of visitation entered by the supreme court, the court may make an order of custody or of visitation, *in accordance with the factors set forth in subdivision one of section two hundred forty of the domestic relations law*, requiring one parent to permit the other to visit the children at stated periods without an order of protection, even where the parents are divorced and the support order is for a child only.

§4. Subdivision (c) of section four hundred sixty-seven of such act, as amended by chapter forty of the laws of nineteen hundred eighty-one, is amended to read as follows:

(c) In any determination of an application pursuant to this section, the family court shall have jurisdiction to determine such applications, *in accordance with the factors* *set forth in subdivision one of section two hundred forty of the domestic relations law*, with the same powers possessed by the supreme court, and the family court's disposition of any such application is an order of the family court appealable only under article eleven of this act.

§5. Subdivision (a) of section five hundred forty-nine of such act, as added by chapter nine hundred fifty-two of the laws of nineteen hundred seventy-one, is amended to read as follows:

(a) If an order of filiation is made or if a paternity agreement or compromise is approved by the court, in the absence of an order of custody or of visitation entered by the supreme court the family court may make an order of custody or of visitation, *in accordance with the factors set forth in subdivision one of section two hundred forty of the domestic relations law*, requiring one parent to permit the other to visit the child or children at stated periods.

§6. Section six hundred fifty-one of such act, as amended by chapter two hundred fifty of the laws of nineteen hundred eighty-three, is amended to read as follows:

§651. Jurisdiction over habeas corpus proceedings and petitions for custody and visitation of minors. (a) When referred from the supreme court or county court to the family court, the family court has jurisdiction to determine, *in accordance with the factors set forth in subdivision one of section two hundred forty of the domestic relations law and* with the same powers possessed by the supreme court in addition to its own powers, habeas corpus proceedings and proceedings brought by petition and order to show cause, for the determination of the custody or visitation of minors.

(b) When initiated in the family court, the family court has jurisdiction to determine, *in accordance with the factors set forth in subdivision one of section two hundred forty of the domestic relations law*, with the same powers possessed by the supreme court in addition to its own powers, habeas corpus proceedings and proceedings brought by petition and order to show cause, for the determination of the custody or visitation of minors.

§. 7. Subdivision (c) of section six hundred fifty-two of such act, as added by chapter forty of the laws of nineteen hundred eighty-one, is amended to read as follows:

(c) In any determination of an application pursuant to this section, the family court shall have jurisdiction to determine such applications, *in accordance with the factors set forth in subdivision one of section two hundred forty of the domestic relations law*, with the same powers possessed by the supreme court, and the family court's disposition of any such application is an order of the family court appealable only under article eleven of this act.

§ 8. This act shall take effect immediately.

2. Clarification of Time when Family Court Speedy Trial Protection Attaches in a Juvenile Delinquency Proceeding Removed from Supreme Court
(FCA §310.2)

Family Court Act section 310.2 provides that "a respondent is entitled to a speedy fact-finding hearing", although it does not prescribe specific time periods to satisfy this requirement.[1] However, for juveniles who are the subjects of a complaint brought in Supreme Court and subsequently removed to Family Court pursuant to CPLR Article 725, it has become apparent that there is a gap in this speedy trial protection. *Matter of David G.*, 120 A.D.2d 997 (1st Dept. 1986) *lv. den.*, 68 N.Y.2d 608 (1986). Section 311.1(7) of the Family Court Act provides that the date a removal order is filed with the Clerk of the Family Court is the date upon which a petition is deemed to be filed in that court, and thus is the date at which the speedy trial protection in the Family Court Act attaches. Consequently, any period of time that may elapse between the issuance of an order of removal and its filing with the Clerk of the Family Court is not considered in determining whether a respondent has been denied a "speedy fact-finding hearing". In the above-cited case, a period of eight months passed between the date of entry of the order of removal and its filing in the Family Court.

The proposed amendment closes this gap by making the critical date the one on which the removal order is signed. Moreover, it reinforces the responsibility of the District Attorney to ensure a prompt transfer of the proceeding from the Supreme Court to Family Court and provides a possible sanction if such transfer takes longer than 14 days. Enactment of this measure will enable the speedy hearing provisions of the Family Court Act to apply as of the time the order of removal is entered.

This measure would have no fiscal impact.

Proposal

AN ACT

To amend the family court act, in relation to speedy trial

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 310.2 of the Family Court Act is amended to read as folows:

§310.2 Speedy trial

After a petition has been filed, *or upon the signing of an order of removal pursuant to article seven hundred twenty-five of the Criminal Procedure Law*, the respondent is entitled to a speedy fact-finding hearing. *Any period in excess of 14 days between the signing of an order of removal and its filing with the clerk of the family court shall be attributable to the presentment agency.*

3. Authority of a Family Court Judge to Order Services
(FCA §255)

Section 255 of the Family Court Act supplements the court's dispositional powers in all of its proceedings and, in hortatory language, allows the court: (1) to order any state, county, municipal and school district officer and employee

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[1] Article three of the Act, in a number of other sections, delineates precise time limitations for each stage of a delinquency proceeding from arrest through disposition. Juvenile offenders brought to trial in adult criminal courts are protected by the panoply of speedy trial protections contained in section 30.30 of the Criminal Procedure Law.

"to render such assistance and cooperation as shall be within his legal authority, as may be required, to further the objects. . ." of the Family Court Act, with certain exceptions for the school district and board of education, and (2) to "seek the cooperation of. . .all societies and organizations, public or private, having for their object the protection or aid of children or families".

Because it was clear that the Family Court was given a unique role requiring it to an extent not characteristic of any other court in the unified court system to obtain services provided by public or voluntary agencies for parties to its proceedings, the statute purported to grant the court the power to obtain those services. In interpreting this statute as amended in 1972, the courts ruled it was calculated "to enable the court to cut through the bureaucracy, fragmentation and lack of coordination which so inhibits the provision of services for families and children before the Court". *In re Edward M.*, 76 Misc.2d 781, 785 (Family Court, St. Lawrence Co., 1974); *In re Murcray*, 45 A.D.2d 906 (3d Dept. 1974).

However, over the years, the precise scope of the Court's authority to order services has been the subject of continuous litigation with rather uneven results. Judges, faced with changing community conditions requiring agency services for children and families, have been struggling with some frustration and discouragement to fashion dispositional orders addressed to the complex problems involved. Many have resorted to innovative solutions to do so. Nevertheless, the cases continue to indicate that, in spite of what appears to be a broad intention, section 255 falls short of granting the Family Court judge a clear, unambiguous authority, both in language and applicability. In *Matter of Enrique R.* 512 N.Y.S.2d 837 (1st Dept. 1987), a case which involved an order directing the New York City Commissioner of Social Services to assist the proposed caretaker of a child to acquire adequate housing, the court, citing *New York Housing Auth. v. Miller*, 60 A.D.2d 823 (1st Dept. 1978), stated:

> Although Family Court Act §255 does authorize an order directing "assistance and cooperation", as Justice Fein observed in *Miller*, the meaning and scope of the quoted phrases is not set forth in the statute *and the Legislature has not seen fit to further address the issue in terms of the Family Court's power, albeit almost ten years has elapsed since the Miller decision. While we agree that legislative attention ought to be directed to clarify the situation,* clearly, the statute as it exists today does not authorize the type of order entered here. (Underscoring ours.)

In recent years, this failure has become increasingly significant. Because of public and legislative attention to the shortcomings of foster care as a sound method of providing care to children and relief to families and a concern about its rising cost, the Child Welfare Reform Act and its progeny have focused increased attention on preventive services and permanency planning. Accompanying this legislative direction has been an increase in judicial responsibility for providing these services and for tightening review of judicial foster care. A natural outcome, therefore, is a needed review of the Court's authority to fashion orders appropriate to the individual circumstances of each case and to enforce such orders, once made.

With this as background, the proposed measure accomplishes the following purposes:

- It removes the precatory language in the present section and casts the grant of authority in traditional terms.
- It continues to make clear that, like the present section, it is not a free-standing provision inviting applications for article 78-like determinations, but authorizes the judge "in any proceeding under this act" to enter an appropriate order.
- It allows the judge to exercise the power upon application of any party or upon the judge's own motion.
- It requires notice to affected parties or agencies and an opportunity to be heard.
- It applies to public and private agencies, including those not originally before the court.
- It confines the scope of the order to the legal authority of the officer or agency and must "be required to further the purposes of this act".
- It permits the judge to by-pass administrative procedures where they would not be "appropriate under the circumstances of the case", in which event the judge would be required to state on the record the reasons therefor.

This measure would have no fiscal impact.

Proposal

AN ACT

To amend the family court act, in relation to services of officials and organizations

The People of the State of New York represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred fifty-five of the Family Court Act is REPEALED, and the following section is enacted in its place:

§255. *Services of officials and organizations.*

In the course of any proceeding under this act, a family court judge, upon application of any party or on the judge's own motion, and upon notice to all parties and persons or agencies who may be affected and an opportunity to be heard, may order any state, county, municipal, school district or public authority officer and employee, and any private agency, institution, society or organization receiving public funds having for its object the protection or aid of children or families, to perform any act within his, her or its legal authority or responsibility as may be required to further the purposes of this act, where the judge finds that adequate administrative procedures are not available or would not be appropriate under the circumstances of the case. The judge shall state on the record the reasons for any order pursuant to this section.

§2. This act shall take effect immediately.

4. Requirement of Medical History of Natural Parents in All Adoptions
(DRL §112)

This measure would amend section 112 to add a requirement that available information comprising the medical history of a child's natural parent or parents be included in the agency schedule annexed to an adoption petition.

In 1974, section 112 of the Domestic Relations Law was amended to require that, in agency adoptions, the schedule of the authorized agency required to be annexed to the petition for adoption in an agency adoption had to include "all available information comprising the child's medical history". The provisions of section 115, subdivision 10, of the Domestic Relations Law mandate that, in a private-placement adoption, "the facts required to be stated in the verified schedule in an agency adoption shall be set forth in the petition". Thus at the present time, facts pertaining to the "child's medical history" must appear in the adoption records in both agency and private-placement adoptions.

However, it has become increasingly clear that the medical histories of the adoptive child's natural parents also are significant in future medical diagnoses or care of the adoptive child. There is a growing medical and judicial awareness that there is some correlation between certain diseases of natural parents and those that appear in their children. *Matter of David M.R. (anonymous)*, N.Y.L.J., December 14, 1987, pg. 20 (Surr. Ct., Nassau Co.) For the benefit of the child, therefore, even into adulthood, it would be sound to require all available medical information known at the time of the child's birth or placement, including that of the child's natural parents, to be contained in the court's adoption records for appropriate access when it is determined to be needed.

Some recognition of the legitimacy of this need already has been evidenced by statute. Section 373-a of the Social Services Law now requires that in agency adoptions such medical information as available must be provided by the agency to the prospective adoptive parents, the adoptive parents upon adoption, and to a child who has been in foster care when discharged to his or her own care. By adding a requirement to the Domestic Relations Law that the individual history of the natural parents be included in the adoption proceeding, this bill would increase the availability of information useful in determining health care for all adoptive children whether the subject of an agency or a private adoption.

This measure would have no fiscal impact.

Proposal

AN ACT

To amend the domestic relations law in relation to medical histories of natural parents in agency and private-placement adoptions.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 3 of section one hundred twelve of the domestic relation law, as amended by chapter five hundred thirty-one of the laws of nineteen hundred eighty-five, is amended to read as follows:

3. The authorized agency must present to such judge or surrogate a schedule to be annexed to the petition which shall be verified by a duly constituted official of the authorized agency having custody of the adoptive child or actually placing the child for adoption and shall contain (1) the full name of the child, (2) the manner in which the authorized agency obtained custody of the adoptive child, (3) the facts, if any, which render unnecessary the consent of either or both of the parents of the adoptive child, (4) a statement whether either parent had ever requested the agency to return the child to the parent, within thirty days of the execution and delivery of an instrument of surrender to an authorized agency and, if so, all facts relating thereto. If a request for return of the child to a parent be made after the presentation to the court of the petition and schedule, the authorized agency shall promptly report to the court in writing the facts relating thereto and (5) all available information comprising the child's medical history *and those of his or her natural parents*. If the child was placed into the state of New York for the purpose of adoption and such placement was subject to the provisions of section three hundred seventy-four-a of the social services law, the authorized agency shall attach to the petition a copy of the document, signed by New York's administrator of the interstate compact for the placement of children or his designee, which informs the agency or person who placed the child into the state that such placement complied with the provisions of the compact.

§2. This act shall take effect immediately.

5. Elimination of Requirement for Court Rules Setting Procedure where Child has been Removed from Home without Court Order
(FCA §1026)

This measure (1) eliminates the requirement in subdivision (a) of section 1026 of the Family Court Act that rules of court indicate actions required to be taken when a child has been removed from home without a court order and (2) renders the section gender neutral.

Sections 1024(b) and 1026 already mandate in detail the procedure to be followed where a child is so removed, leaving no real necessity for court rules. In fact, section 205.81 of the Uniform Rules of the Family Court, the rule drawn to implement section 1026, almost entirely repeats the provisions of these statutory sections.

Whenever there has been a need for change in this area, the Legislature has addressed it. Chapter 162 of the Laws of 1987 recently amended section 1024 to amplify the safeguards of the notice required to be given under that section when a child is removed. Chapter 472 of the Laws of 1987 amended subdivision (c) of section 1026, limiting the period of time within which a child must be returned or a petition filed to three days from the date of removal. Since the legislature has continued comprehensively to cover the field in this regard, there is no need for court rules in this area.

Proposal

AN ACT

To amend the family court act in relation to emergency removal in a child protective proceeding

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions (a) and (b) of section one thousand twenty-six of the family court act, as amended by chapter one thousand thirty-nine of the laws of 1973, are amended to read as follows:

§1026. Action by the appropriate person designated by the court and child protective agency upon emergency removal

(a) [Rules of court concerning action by] The appropriate person designated by the court or [by] a child protective agency when informed that there has been an emergency removal of a child from [his] *the child's* home without court order shall (i) [direct such person or child protective agency to] make every reasonable effort to communicate immediately with the child's parent or other person legally responsible for [his] *the child's* care, and

(ii) except in cases involving abuse, [authorize such person or child protective agency to] cause a child thus removed to be returned, if it concludes there is not an imminent risk to the child's health in so doing. In cases involving abuse, the child protective agency may recommend to the court that the child be returned or that no petition be filed.

(b) The child protective agency may, but need not, condition the return of a child under this section upon the giving of a written promise, without security, of the parent or other person legally responsible for the child's care that he *or she* will appear at the family court at a time and place specified in the recognizance and may also require [him to bring the child with him] *the presence of the child at that time.*

§2. This act shall take effect immediately.

6. Procedure in Family Court Proceeding for Appointment of Guardian of the Person of a Minor (FCA §§661, 663; SCPA §§708, 714, 1709)

This measure amends sections 661 and 663 of the Family Court Act to incorporate applicable provisions of the Surrogate's Court Procedure Act in connection with the procedure in Family Court for the appointment of guardians for the person of a minor and to make explicit the authority of the Family Court to issue letters of guardianship. In addition, this measure amends various sections of the Surrogate's Court Procedure Act to eliminate references to the Family Court in connection with such proceedings. The measure also renders the sections gender neutral.

Chapter 180 of the laws of 1987, effective June, 1987, amended section 661 of the Family Court Act to give the Family Court complete original jurisdiction in proceedings to appoint a guardian of the person of the minor. Until that time, the Family Court's jurisdiction in those proceedings was limited to those instances in which the minor was the subject of another proceeding in that court; the Surrogate's Court was the court possessing the primary original jurisdiction in these cases. For that reason, the Surrogate's Court Procedure Act contains all of the procedures relating to that proceeding.

The proposed measure amends the Family Court Act to incorporate the appropriate procedural sections of the Surrogate's Court Procedure Act into the Family Court Act, thereby maintaining a desirable uniformity of procedure, since both courts now have complete original jurisdiction in these cases. It also deletes now unnecessary references in the Surrogate's Court Procedure Act, confirming that the Family court has full jurisdictional and procedural authority in these cases, including the authority to issue letters of guardianship.

This measure would not have any fiscal impact.

Proposal

AN ACT

To amend the family court act and the surrogate's court procedure act in relation to guardianship of the person of a minor

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six hundred and sixty-one of the family court act, as amended by chapter one hundred eighty of the laws of nineteen hundred and eighty-seven, is amended to read as follows:

§661. Jurisdiction.

The family court has jurisdiction and authority as is now conferred on county and surrogates courts as concerns the guardianship of the person of a minor. *The provisions of the surrogate's court procedure act shall apply to the extent they are applicable to guardianship of the person of a minor and do not conflict with the specific provisions of this act.*

§2. Section six hundred sixty-three of the family court act is amended to read as follows:

Upon the appointment *and qualification* of guardian of the person of a minor as provided in section six hundred sixty-one of this act, [the guardian shall file a certified copy of the order of his appointment with the clerk of the surrogate's court of the county in which he has been appointed] *letters of guardianship shall thereupon issue from this court.*

§3. Section seven hundred eight of the surrogate's court procedure act as amended by chapter two hundred fifty-nine 259 of the laws of nineteen hundred sixty-eight, is amended to read as follows:

§708. Qualification of fiduciaries.

Before letters are granted to a fiduciary, [he] *the fiduciary* shall file in the surrogate's [office] *court or family court* as appropriate:

1. An acknowledged instrument stating [his] *the fiduciary's* domiciliary address and designating the clerk of the court to receive service of any process issuing from the court in like manner and with like effect as if it were served

personally upon [him] *the fiduciary*, whenever the person so receiving letters cannot be found and served within the state after due diligence, which designation shall be irrevocable and shall continue in effect so long as the fiduciary remains in office and until full compliance by the fiduciary with the terms of a decree providing for his *or her* final discharge. If the fiduciary shall change his *or her* address so stated, [he] *the fiduciary* shall promptly notify the court of [his] *the* new address.

2. Unless exempted, an official oath taken before any officer authorized to administer oaths, to the effect that [he] *the fiduciary* will well, faithfully and honestly discharge the duties of [his] *the* office and the trust reposed in him *or her* and duly account for all moneys or other property which may come into his *or her* hands. The oath shall also describe [his] *the* office, and state that [he] *the fiduciary* is not ineligible to receive letters.

3. Such bond as may be required by law or by order of the court.

4. In the case of a trust company or other fiduciary exempted by law from taking an oath of office and filing a bond, an acknowledged consent to accept its appointment.

§4. Section seven hundred fourteen of the surrogate's court procedure act is amended to read as follows:

§714. Certain orders or decrees of other courts to be filed in the surrogate's court

Whenever the supreme court shall suspend or remove or accept the resignation of a guardian of an infant's person or property or both, or of a testamentary trustee appointed by it [or the family court shall suspend or remove or accept the resignation of a guardian],] a certified copy of the order or decree shall be filed in the surrogate's court of the county having jurisdiction of the infant's person or estate or of the testamentary trust and a minute thereof shall be made and indexed in the book or books kept by the surrogate in which similar orders or decrees made in each surrogate's court are entered.

The county clerk of the county in whose office the order or decree of the supreme court[, or such other clerk of a court in whose office the decree or order] is entered[,] shall give written notice to the clerk of the proper surrogate's court of the filing of such order or decree.

§5. Subdivision one of section seventeen hundred nine of the surrogate's court procedure act, as amended by chapter three hundred ninety-six of the laws of nineteen hundred seventy, is amended to read as follows:

§1709. Appointment of guardian by supreme court [or other court].

1. Where the supreme court [or any court other than the surrogate's court] appoints a guardian of an infant's person or property, or both, a certified copy of the order or decree appointing the guardian and of the bond given by [him] *the guardian* shall be filed [by him] in the surrogate's court of the county in which the infant is domiciled, or if the infant be a non-domiciliary of the state, in the county in which the infant has property and a minute thereof made and indexed in the book kept by the court in which orders or decrees appointing guardians are entered.

2. Letters shall thereupon issue to [him] *the guardian* from such court upon [his] qualifying as provided in *section* 708.

3. A guardian so appointed shall be subject to all the duties and liabilities of a guardian specified in this article.

§6. This act shall take effect immediately.

7. Appointment of a Law Guardian for the Child in Foster Care Review Proceedings
(FCA §249)

This measure amends section 249 to mandate the assignment of a law guardian for the child in every foster care review proceeding brought pursuant to sections 358-a and 392 of the Social Services Law. It also renders the section gender neutrual. At the present time, appointment of a law guardian in these proceedings is discretionary except for those instances in a proceeding under section 392 where the child (1) has been freed for adoption for a period of six months and has not yet been placed in a prospective adoptive home, or (2) has been freed for adoption and placed in an adoptive home but no adoption petition has been filed after 12 months.

As a result of the Child Welfare Reform Act of 1979 (chapter 610 of the laws of 1979) and subsequent amendments to sections 358-a and 392 of the Social Services Law, the sections governing foster care review, the Legislature has mandated strongly enhanced procedures adding additional steps to be taken in foster care review proceedings and increasing the significance of the judicial review in these cases.

Based on years of experience in these proceedings, it is increasingly clear that unless there is methodical and mandated representation for the child in the foster care review process, it will be difficult if not unlikely that the vigorous investigation and presentation of relevant information now required in the proceeding will take place. Such a failure will defeat the earnest intent of the Legislature to protect children in foster care and speed their removal from the foster care rolls when it is appropriate to do so.

Mandating the assignment of law guardians in foster care review proceedings is likely to have a discernible financial impact in the first instance. However, it will undoubtedly have a salutary effect on the quality of those proceedings. That, plus the increased likelihood that effective legal representation, especially at the early review stages, will result in earlier and increased returns of children to permanent arrangements, thereby reducing the much larger expense of continued foster care, is good reason for passage of this measure.

Proposal

AN ACT

To amend the family court act in relation to appointment of law guardians

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (a) of section two hundred forty-nine of the family court act, as amended by chapters eight hundred seventeen and nine hundred two of the laws of nineteen hundred eighty-six is amended to read as follows:

§249. Appointment of law guardian.

(a) In a proceeding under article seven, three, *or* ten or where a revocation of an adoption consent is opposed under section one hundred fifteen-b of the domestic relations law or in any proceeding under section *three hundred fifty-eight-a of the social services law, or under* three hundred eighty-four-b [of the social services law] or [under] section three hundred ninety-two of such law [in the case of a child freed for adoption for a period of six months and not placed in a prospective adoptive home or in the case of a child freed for adoption and placed in a prospective adoptive home and no petition for adoption has been filed twelve months after placement,] or when a minor is sought to be placed in protective custody under section one hundred fifty-eight, the family court shall appoint a law guardian to represent a minor who is the subject of the proceeding or who is sought to be placed in protective custody, if independent legal representation is not available to such minor. In any proceeding to extend or continue the placement of a juvenile delinquent or person in need of supervision pursuant to section seven hundred fifty-six or 353.3 or any proceeding to extend or continue a commitment to the custody of the commissioner of mental health or the commissioner of mental retardation pursuant to section 322.2, the court shall not permit the respondent to waive [his] *the* right to be represented by counsel chosen by [him or his parent or other] *the respondent, respondent's parent,* or other person legally responsible for [his] *the respondent's* care, or by a law guardian. In any other proceeding in which the court has jurisdiction, the court may appoint a law guardian to represent the child, when, in the opinion of the family court judge, such representation will serve the purpose of this act, if independent legal counsel is not available to the child. The family court on its own motion may make such appointment.

§2. This act shall take effect immediately.

IV. Pending and Future Matters

The Committee is in the process of considering or completing several projects with a view towards recommending legislation, rules or forms as it deems appropriate and desirable. In that connection, the Committee as a whole, or several subcommittees, are engaged in certain activities, with the following results at this time:

1. Subcommittee to Review and Revise the Adoption Laws.

As a result of the comprehensive revision of the uniform adoption forms, it became apparent that there were numerous inconsistencies among the sections of the Domestic Relations Law as they pertain to agency and private-placement adoption. Among the elements which require reconsideration or reconciliation are those involving confidentiality, disclosure, and access to records. In addition, recent cases involving children placed for adoption aroused concern regarding the adequacy of the proceedings now in place. A subcommittee was designated to review the applicable sections and report to the full Committee with an outline of issues and recommendations for change.

2. Subcommittee to Review and Revise section 384-b of the Social Services Law.

It has been called to the attention of the Committee that section 384-b of the Social Services Law, which deals with commitment of guardianship and custody of children, has a number of inadequacies in instances where the parental rights of only one of the two parents is involved. Although, in effect, the statute "terminates parental rights", it is cast in terms of "commitment of guardianship and custody" of the child, and consequently the nature of a dispositional order where only one parent is involved becomes unclear. For this reason, a subcommittee has been designated to review the entire section and propose changes to cover these not infrequent cases.

The following subcommittees of the Family Court Advisory and Rules Committee are operational:

Subcommittee on Forms
Chair, Hon. Gene L. Catena

Subcommittee to Review and Revise the Adoption Laws
Chair, Hon. Mara T. Thorpe

Subcommittee to Review and Revise section 384-b of the Social Services Law
Chair, Hon. Adrienne Hofmann Scancarelli

Respectfully submitted,

Professor Kevin C. Fogarty, *Chair*
Hon. Arthur J. Abrams
Frank Boccio, Esq.
Hon. Anthony V. Cardona
Hon. Gene L. Catena
Hon. Patricia D. Collins
Ms. Kate Dalton
Hon. Nanette Dembitz
Hon. Marjory D. Fields
Peter J. Fiorella, Jr., Esq.
Hon. Michael Gage
Hon. William L. Kellick, Jr.
Hon. Mary Ann Killeen
Hon. Leonard E. Maas
Hon. George D. Marlow
Hon. Kathryn Austin McDonald
Shirley Mitgang, Esq., *(ex officio)*
Hon. Anthony ~~K.~~ Pomilio
Hon. Cesar H. Quinones
Hon. Adrienne Hofmann Scancarelli
Hon. Mara T. Thorpe
Hon. Jack Turret

Shirley Mitgang, Esq.
Counsel

December, 1987

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Other Programs

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Retainer and Closing Statements

Under 22 NYCRR Parts 603, 691 and 1022, every attorney who shares in a contingent fee in the First, Second and Fourth Judicial Departments* must file a Statement of Retainer with the Office of Court Administration in cases involving personal injury, property damage, wrongful death, or change of grade. This statement must be filed within 30 days of the date the lawyer is retained (15 days in the case of "of counsel" lawyers). It sets forth the date of the agreement, the terms of compensation, the agreement as to work and fee division between the original lawyer and the "of counsel" lawyer, and data about the person referring the client to the lawyer.

In addition, every such lawyer must file a closing statement with the Office of Court Administration within 15 days of the date the monies became available to him. This statement sets forth information as to the monetary amount of the settlement or award (if any). If an action was commenced, it contains the date, court and county of commencement and the method of the recovery, the person paying the recovery, the distribution of the recovery to the client and the lawyer's fees and other disbursements.

The purpose of these statements is to provide information for use by the three Appellate Divisions to prevent the charging of unconscionable fees in contingent fee cases and to discourage the unlawful solicitation of cases.

Table A-1 shows that 111,056 retainer statements were filed with the Office of Court Administration in 1987. This is an increase of less than 1% from the previous year.

Table A-2 gives the court in which actions were terminated and the monetary breakdown by settlement or judgment. For cases commenced in the Supreme Court, the largest single group of cases terminated involved recoveries between $10,000 and $15,000. The largest single group of cases terminated in the lower courts involved recoveries between $1,000 and $5,000. The great majority of claims settled resulted in at least some monetary recovery. Of awards in excess of $50,000, there were 4,223 recoveries in the $50,000 to $100,000 category and 3,261 recoveries over $100,000; 10.6% of the total actions terminated in 1987 were in excess of $50,000.

Statements of Approval of Compensation

Section 35-a of the Judiciary Law, as originally enacted by the Legislature in 1967, required the filing of a Statement of Appointment by each person appointed by the courts to perform services in actions and proceedings for a fee or an allowance. The statute called for these statements to be filed with the Judicial Conference within 30 days of an appointment. The required information included the name and the address of the appointee, the nature of the appointment, the title of litigation, and the name of the court and the judge or justice making the appointment.

In addition, within 30 days of receiving a fee, the appointee was required to execute a Statement of Services Rendered with other pertinent data related to the fee received. Under the statute, all statements filed were to be kept as matters of public record. The law also required that an annual summary of the information in the statement be furnished to the four Appellate Divisions of the Supreme Court for use in supervising court appointments in their Judicial Departments.

An extensive study of this system of two reports for each appointment revealed a number of inefficiencies. Not the least of these was the failure of many appointees to file a Statement of Services Rendered after payment of the fee. To deal with this problem, the Office of Court Administration sponsored legislation amending Section 35-a which was enacted as Chapter 834, Laws of 1975, and which went into effect with appointments made after September 1, 1975.

Under the amended law, judges who approve fees are responsible for filing a single comprehensive statement, entitled Statement of Approval of Compensation for appointments in which the fee is more than $200. The judges are required to send the statements to the Office of Court Administration each week for data processing and filing. Fees of $200 or less are not required to be reported.

In 1987 a total of 4,859 Statements of Approval of Compensation were filed with the Office of Court Administration. The system accomplished its intended purpose of obtaining timely reports on court appointments without loss of required data provided by the older system.

Appointment of Fiduciaries

Part 36 of the Rules of the Chief Judge were promulgated effective April 1, 1986 (22NYCRR Part 36). These rules require that all appointments of guardians, guardians ad litem, conservators, committees of the incompetent or patient, receivers and persons designated to perform services for receivers be made by the appointing judge from a list of applicants established by the Chief Administrator of the Courts unless the Court finds there is good reason to appoint someone who is not on the list and places a statement to that effect in the file.

No person related to a judge of the Unified Court System of the State of New York shall be eligible for an appointment.

No person or institution shall be eligible to receive more than one appointment within a 12-month period for which the compensation anticipated to be awarded to the appointee exceeds the sum of $5,000 unless exceptional circumstances exist.

Every person or institution receiving an appointment pursuant to this section must file a Statement of Appointment with the Chief Administrator of the Courts by the first business day of the week following the appointment.

The Chief Administrator shall arrange for the periodic publication of the names of all persons and institutions appointed by judges.

As of December 31, 1987 there were 4,706 applications on file from both individuals and institutions. Applicants for fiduciary appointments may list more than one county. When viewing the distribution by county, there are 12,254 entries. Table A-3 lists the number of names on each county list. The number of statements of appointments filed with the Chief Administrator of the Courts for the period January 1, 1987 through December 31, 1987 was 4,688. Table A-4 shows the breakdown of appointments by county.

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* At present, there is no filing rule for the Third Judicial Department.

Attorney Registration

Section 468-a of the Judiciary Law and the Rules of the Chief Administrator (22 NYCRR 118) requires every attorney admitted to practice in New York State on or before January 1, 1982, to file a registration statement with the Chief Administrator of the Courts, and requires every attorney admitted to practice in New York State after January 1, 1986 to file a registration statement prior to taking the constitutional oath of office. The filing requirement is mandatory for all attorneys admitted and licensed to practice law in New York State whether resident or nonresident, and whether or not in good standing.

Every attorney is further required to reregister biennially during each alternate year following their first registration, within thirty (30) days after the attorney's birthday, for as long as the attorney remains duly admitted to the New York Bar. In the event of any change in the business or residence address, or other information on record the law requires that the Office of Court Administration be notified within thirty (30) days of such change.

An accompanying fee of $100.00 is required with each registration and subsequent reregistration, with only two exceptions defined in the rule: full-time judges and retired attorneys. The Rules of the Chief Administrator (118.1 (g)) outlining these exemptions were amended in 1986 to refine the definition of attorneys retired from the practice of law to apply only"... when he or she does not practice law in any respect and does not intend ever to engage in acts that constitute the practice of law." It continues "...[f]or purposes of section 468-a of the Judiciary Law, a full-time judge or justice of the Unified Court system of the State of New York, or of a court of any other state or of a federal court, shall be deemed "retired" from the practice of law.

As of the end of calendar year 1987, approximately 110,000 attorneys were registered with the Office of Court Administration. During calendar year 1987, approximately 27,000 attorneys registered or reregistered and $2,427,800 in registration fees were recorded. Half of these fees are paid over to the Client Security Fund as prescribed by the Judiciary Law.

Table A-5 shows the breakdown of attorneys by county and department of business. Table A-6 gives the breakdown of attorneys by year of birth as furnished in the registration statement.

Adoption Affidavits

According to the Rules of the respective Appellate Divisions 22 NYCRR Parts 603.23 (1st Dept.), 691.23 (2nd Dept.) 806.14 (3rd Dept.) and 1022.33 (4th Dept.) all attorneys must file an affidavit as a condition to proceed with an adoption. The objective of this filing is to maintain a record of attorneys and agencies involved in adoptions and to record the fees, if any, charged for their services.

Once the attorney has been contacted to represent a client in an adoption proceeding, the attorney prepares a petition requesting an adoption. When the petition is filed, a docket number is issued by the court. The attorney's affidavit is completed in duplicate by the attorney who files one copy with the Office of Court Administration. During 1987, 5,382 adoption affidavits were filed with the Office of Court Administration.

Table A-1
RETAINER STATEMENT FILINGS BY MONTH
January 1, 1987 through December 31, 1987

Month	Number of Statements of Retainer Filed
January	6,923
February	8,455
March	8,598
April	8,652
May	7,488
June	7,735
July	10,272
August	12,611
September	13,033
October	10,045
November	9,253
December	7,991
Total	111,056

Table A-2
COURT AND MONETARY BREAKDOWN OF CLOSING STATEMENTS
January 1, 1987 through December 31, 1987

Amount of Recovery	Supreme Court		U.S. District Court		Court of Claims*		County Court	
	Settled	Judgment	Settled	Judgment	Settled	Judgment	Settled	Judgment
1-499	167	11	34	...	1	...	...	...
500-999	179	1	73	...	...	...	1	...
1,000-1,999	848	10	16	...	2	...	...	...
2,000-2,999	1,259	8	14	...	5	...	...	...
3,000-3,999	1,761	9	18	...	7	1	3	...
4,000-4,999	1,646	6	10	...	3	...	3	1
5,000-5,999	2,269	13	14	...	9	...	5	...
6,000-6,999	2,130	7	18	...	3	...	...	...
7,000-7,999	3,020	7	17	...	4	...	4	...
8,000-8,999	1,631	15	15	...	1	...	3	...
9,000-9,999	2,009	12	11	1	2	1	2	...
10,000-14,999	7,235	49	73	4	17	1	9	...
15,000-19,999	4,010	17	58	...	6	...	...	...
20,000-24,999	2,728	14	39	1	4	...	...	...
25,000-29,999	2,027	19	36	...	4	...	...	...
30,000-34,999	1,413	15	29	1	1	...	...	...
35,000-49,999	2,713	14	52	1	16	2	...	...
50,000-99,999	4,007	57	132	4	12	1	...	...
100,000-up	2,925	98	196	19	12	8	...	...
Total with Recovery	43,977	382	855	31	109	14	30	1
No Recovery	1,293		53		17		6	

Amount of Recovery	Civil Court		City Courts		District Court		Justice Court		All Courts		No Action**
	Settled	Judgment	Settled	Judgment	Settled	Judgment	Settled	Judgment	Settled	Judgment	Settled
1-499	13	...	1	2	3	...	...	...	219	13	89
500-999	54	1	5	...	4	...	2	1	318	3	279
1,000-1,999	184	2	6	...	13	1	2	...	1,071	13	957
2,000-2,999	237	...	3	1	7	1	...	...	1,525	10	1,134
3,000-3,999	256	...	4	...	4	...	...	...	2,053	10	1,448
4,000-4,999	202	2	...	...	3	...	...	...	1,867	9	1,168
5,000-5,999	191	1	...	...	8	1	...	...	2,496	15	1,359
6,000-6,999	144	...	...	...	1	1	...	...	2,296	8	1,111
7,000-7,999	129	3	...	...	4	...	...	...	3,178	10	1,397
8,000-8,999	70	...	...	...	...	...	...	...	1,720	15	833
9,000-9,999	57	...	...	...	...	...	...	...	2,081	14	938
10,000-14,999	148	3	...	...	...	...	...	...	7,482	57	2,891
15,000-19,999	44	1	...	...	...	...	...	...	4,118	18	863
20,000-24,999	15	...	...	...	...	...	...	...	2,786	15	493
25,000-29,999	11	...	...	...	...	...	...	...	2,078	19	362
30,000-34,999	6	...	...	...	...	...	...	...	1,449	16	171
35,000-49,999	8	...	...	...	...	...	...	...	2,789	17	331
50,000-99,999	10	...	...	...	...	...	...	...	4,161	62	426
100,000-up	2	1	...	...	...	...	...	...	3,135	126	207
Total with Recovery	1,781	14	19	3	47	4	4	1	46,822	450	16,457
No Recovery	100		2		6		...		1,477		5,428

NOTE: Whenever individual closing statements were filed by attorneys acting jointly in a case, each statement received was included in these tabulations. Thus, the number of statements somewhat exceeds the total number of cases closed.

* Includes condemnation as well as tort matters.

** Item 3 of the closing statement requires that the court and date be indicated if an action was commenced. This category includes those statements in which this item is left blank.

Table A-3
APPOINTMENT OF FIDUCIARIES
Applications by County
As of 12/31/87

(Applicants may list more than one county. The numbers below represent the distribution by county, of 4,706 applications.)

Location	Individuals	Institutions	Total	Location	Individuals	Institutions	Total
Albany	122	2	124	Niagara	428	1	429
Allegany	83	2	85	Oneida	94	2	96
Bronx	713	8	721	Onondaga	140	1	141
Broome	189	3	192	Ontario	207	2	209
Cattaraugus	157	1	158	Orange	132	2	134
Cayuga	56	1	57	Orleans	110	1	111
Chautauqua	183	1	184	Oswego	51	1	52
Chemung	47	2	49	Otsego	45	2	47
Chenango	78	3	81	Putnam	187	3	190
Clinton	26	1	27	Queens	972	8	980
Columbia	42	1	43	Rensselaer	82	2	84
Cortland	50	2	52	Richmond	332	6	338
Delaware	50	3	53	Rockland	252	3	255
Dutchess	185	3	188	St. Lawrence	26	1	27
Erie	647	3	650	Saratoga	159	2	161
Essex	38	1	39	Schenectady	118	2	120
Franklin	25	1	26	Schoharie	20	2	22
Fulton	33	1	34	Schuyler	26	1	27
Genesee	165	1	166	Seneca	39	2	41
Greene	30	3	33	Steuben	90	3	93
Hamilton	19	1	20	Suffolk	486	4	490
Herkimer	47	1	48	Sullivan	42	2	44
Jefferson	20	1	21	Tioga	83	3	86
Kings	994	8	1,002	Tompkins	44	2	46
Lewis	11	1	12	Ulster	121	1	122
Livingston	140	3	143	Warren	60	1	61
Madison	87	2	89	Washington	52	1	53
Monroe	429	4	433	Wayne	157	2	159
Montgomery	47	2	49	Westchester	654	4	658
Nassau	802	4	806	Wyoming	115	1	116
New York	1,220	8	1,228	Yates	47	2	49
Total New York State					12,106	148	12,254

Table A-4

APPOINTMENT OF FIDUCIARIES

Appointments Reported by County

April 1, 1987 through December 31, 1987

Location	Total
Albany	100
Allegany	. . .
Bronx	159
Broome	61
Cattaraugus	32
Cayuga	1
Chautauqua	45
Chemung	38
Chenango	5
Clinton	14
Columbia	2
Cortland	19
Delaware	9
Dutchess	75
Erie	346
Essex	10
Franklin	10
Fulton	12
Genesee	29
Greene	. . .
Hamilton	. . .
Herkimer	17
Jefferson	38
Kings	491
Lewis	. . .
Livingston	5
Madison	19
Monroe	249
Montgomery	. . .
Nassau	506
New York	475
Niagara	54
Oneida	76
Onondaga	62
Ontario	1
Orange	74
Orleans	10
Oswego	3
Otsego	15
Putnam	17
Queens	596
Rensselaer	26
Richmond	63
Rockland	59
St. Lawrence	45
Saratoga	18
Schenectady	29
Schoharie	10
Schuyler	8
Seneca	9
Steuben	29
Suffolk	345
Sullivan	17
Tioga	3
Tompkins	11
Ulster	30
Warren	12
Washington	3
Wayne	8
Westchester	269
Wyoming	2
Yates	18
Total New York State	4,688

Table A-5
ATTORNEY REGISTRATION BY BUSINESS LOCATION
1987

Location	Total	Location	Total
Albany	2,574	Otsego	82
Allegany	48	Putnam	140
Bronx	1,476	Queens	3,140
Broome	511	Rensselaer	254
Cattaraugus	94	Richmond	597
Cayuga	88	Rockland	750
Chautauqua	189	St. Lawrence	92
Chemung	149	Saratoga	222
Chenango	58	Schenectady	339
Clinton	89	Schoharie	33
Columbia	103	Schuyler	18
Cortland	48	Seneca	36
Delaware	62	Steuben	118
Dutchess	554	Suffolk	2,890
Erie	2,929	Sullivan	161
Essex	112	Tioga	39
Franklin	63	Tompkins	195
Fulton	67	Ulster	272
Genesee	69	Warren	155
Greene	51	Washington	65
Hamilton	4	Wayne	86
Herkimer	75	Westchester	4,412
Jefferson	122	Wyoming	29
Kings	4,391	Yates	21
Lewis	17		
Livingston	55	Outside New York State	19,457
Madison	78	Missing County	2,859
Monroe	2,265		
Montgomery	81	Total	110,460
Nassau	7,400		
New York	47,044	First Department	48,520
Niagara	314	Second Department	24,827
Oneida	437	Third Department	5,977
Onondaga	1,618	Fourth Department	8,820
Ontario	101		
Orange	553	Outside New York State	19,457
Orleans	29	Missing County	2,859
Oswego	80		
		Total	110,460

Table A-6
ATTORNEY REGISTRATION
By Date of Birth
1987

Date of Birth	Total
After 1962	135
1958-1962	12,867
1953-1957	20,131
1948-1952	19,108
1943-1947	15,088
1938-1942	9,333
1933-1937	6,756
1928-1932	7,362
1923-1927	5,551
1918-1922	3,947
Before 1918	9,713
Missing Dates	469
Total	110,460

Appendix 2

Family Court Data

Under FCA, Sec. 213 and 385

Table A-7
FAMILY COURT
Original Dispositions Of Child Petitions:
Days From Filing Petition To Completion Of Fact-Finding Hearing
1987

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applicable*
Total New York State	15,472	707	435	392	687	5,797	3,377	1,026	120	23	2,908
Total New York City	10,130	418	247	212	463	4,499	2,471	613	26	6	1,175
New York	3,172	200	137	144	200	1,574	557	100	6	3	251
Kings	4,103	83	66	37	168	1,875	1,003	241	10	1	531
Queens	1,562	42	9	23	55	606	444	181	2	1	199
Bronx	1,005	79	26	6	21	341	317	77	...	1	137
Richmond	288	14	9	2	19	103	70	14	...	...	57
Total Upstate	5,342	289	188	180	224	1,298	906	413	94	17	1,733
Albany	175	...	...	1	...	29	7	3	...	...	144
Allegany	27	...	2	1	...	4	7	1	...	...	12
Broome	137	22	30	16	5	33	14	...	...	...	17
Cattaraugus	68	2	1	1	2	7	9	12	1	...	33
Cayuga	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	79	6	4	2	...	20	14	5	12	...	16
Chemung	136	34	5	4	3	57	15	1	...	...	17
Chenango	26	7	...	2	3	5	1	...	...	...	8
Clinton	41	...	...	...	2	21	10	2	...	...	6
Columbia	26	1	...	...	...	5	5	2	...	...	13
Cortland	67	2	2	...	1	17	23	2	...	...	20
Delaware	35	2	2	10	3	11	5	...	...	...	2
Dutchess	1	...	...	...	...	...	...	...	...	...	1
Erie	656	65	32	34	37	167	109	46	19	2	145
Essex	17	1	2	...	...	1	1	1	3	...	8
Franklin	31	4	...	4	2	1	7	...	...	...	13
Fulton	42	9	...	3	2	17	2	...	...	...	9
Genesee	25	6	1	1	4	9	...	2	...	...	2
Greene	27	1	1	...	1	3	...	9	...	...	20
Hamilton	1	1	...	...	...	...	...	...	...	...	...
Herkimer	14	4	...	...	...	...	7	1	1	...	1
Jefferson	56	1	1	...	1	18	15	5	...	...	15
Lewis	15	3	...	...	...	4	3	...	...	...	5
Livingston	43	...	...	5	1	15	1	...	1	...	20
Madison	88	1	7	...	6	13	17	6	...	...	30
Monroe	834	2	6	8	36	224	190	72	17	4	275
Montgomery	27	1	2	1	...	...	...	...	...	...	23
Nassau	365	20	19	9	7	82	58	32	11	3	124
Niagara	103	6	10	12	16	22	4	4	4	...	25
Oneida	197	...	...	2	13	50	49	18	2	...	63
Onondaga	341	8	9	17	7	138	87	19	...	...	56
Ontario	58	10	6	6	1	13	7	...	2	...	13
Orange	...	...	...	...	...	...	...	...	...	...	...
Orleans	44	2	...	...	1	19	4	...	...	...	18
Oswego	42	...	1	1	3	15	8	3	...	...	11
Otsego	62	5	6	5	8	28	8	...	...	...	2
Putnam	81	...	...	1	3	19	17	10	...	...	31
Rensselaer	110	...	4	2	2	16	15	22	3	2	44
Rockland	140	1	...	3	4	30	17	14	1	1	69
St. Lawrence	32	1	...	1	3	9	15	2	...	...	1
Saratoga	169	5	3	10	14	36	27	13	...	...	61
Schenectady	25	14	7	...	...	4	...	...	...	...	...
Schoharie	40	1	2	...	...	9	5	8	...	...	15
Schuyler	5	...	...	1	...	3	...	...	...	...	1
Seneca	24	...	...	...	...	5	4	8	...	...	7
Steuben	10	...	...	3	...	...	4	...	...	...	3
Suffolk	79	3	1	2	1	7	...	2	1	2	60
Sullivan	68	9	7	5	6	6	5	2	...	...	28
Tioga	30	2	2	...	3	15	1	...	...	...	7
Tompkins	55	...	...	1	...	10	10	2	...	...	32
Ulster	102	...	3	...	...	16	21	...	...	...	62
Warren	23	2	...	...	3	2	...	3	...	...	13
Washington	42	1	...	1	11	16	1	2	...	...	10
Wayne	71	1	...	...	2	13	11	8	2	...	34
Westchester	256	23	10	3	7	32	46	65	12	3	55
Wyoming	42	...	...	2	...	3	12	7	2	...	16
Yates	32	...	...	...	...	8	8	7	...	...	9

*Disposed before fact-finding

Table A-8
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Days From Filing Petition To Completion Of Fact-Finding Hearing
1987

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not applic-able*
Total New York State	2,763	104	74	63	91	764	684	313	70	7	593
Total New York City	1,201	31	14	13	31	377	360	147	10	1	217
New York	183	6	5	2	6	59	68	18	...	...	19
Kings	636	10	6	2	17	212	175	58	9	...	147
Queens	282	9	3	7	7	72	84	64	1	1	34
Bronx	40	...	...	...	1	17	11	5	...	...	6
Richmond	60	6	...	2	...	17	22	2	...	...	11
Total Upstate	1,562	73	60	50	60	387	324	166	60	6	376
Albany	56	...	...	...	...	11	3	3	...	...	39
Allegany	8	...	2	...	...	...	1	1	...	...	4
Broome	37	4	6	5	2	11	5	...	...	...	4
Cattaraugus	16	1	1	...	1	1	5	2	...	...	5
Cayuga	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	47	6	...	...	...	13	4	4	12	...	8
Chemung	38	10	2	3	...	10	8	...	...	...	5
Chenango	12	2	...	2	3	1	1	...	...	...	3
Clinton	11	...	...	...	1	4	2	1	...	...	3
Columbia	8	1	...	...	...	3	...	1	...	...	3
Cortland	21	2	...	...	1	7	8	2	...	...	1
Delaware	12	2	2	...	3	4	1	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...	...
Erie	215	2	10	13	10	71	52	28	12	...	17
Essex	4	...	...	...	...	...	...	...	2	...	2
Franklin	8	3	...	4	...	...	...	...	...	...	1
Fulton	14	...	...	3	1	5	1	...	...	...	4
Genesee	6	1	1	...	2	1	...	...	...	...	1
Greene	5	...	...	...	...	1	...	1	...	...	3
Hamilton	1	1	...	...	...	...	...	...	...	...	...
Herkimer	7	4	...	...	...	...	1	1	1	...	...
Jefferson	18	...	...	...	1	8	6	1	...	...	2
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	25	...	...	2	...	11	1	...	1	...	10
Madison	23	1	...	...	...	1	6	1	...	...	14
Monroe	302	1	6	3	11	77	88	21	10	...	85
Montgomery	10	...	2	1	...	...	...	...	...	...	7
Nassau	67	3	1	2	2	11	12	14	3	1	18
Niagara	19	...	5	3	1	...	...	1	3	...	6
Oneida	57	...	...	1	6	22	13	7	1	...	7
Onondaga	115	1	5	3	4	41	32	17	...	...	12
Ontario	8	1	2	...	...	3	...	...	1	...	1
Orange	...	...	...	...	...	...	...	...	...	...	...
Orleans	2	...	...	...	...	1	1	...	...	...	...
Oswego	10	...	...	1	...	1	2	3	...	...	3
Otsego	11	2	2	...	2	2	3	...	...	...	...
Putman	17	...	...	1	...	3	7	6	...	...	...
Rensselaer	72	...	4	...	2	14	15	13	2	2	20
Rockland	30	1	...	...	...	4	3	3	1	1	17
St. Lawrence	5	...	...	1	...	4	...	...	...	...	...
Saratoga	18	...	...	...	...	5	1	2	...	...	10
Schenectady	15	9	6	...	...	...	...	...	...	...	...
Schoharie	8	1	...	...	...	2	2	3	...	...	...
Schuyler	2	...	...	1	...	...	...	...	...	...	1
Seneca	5	...	...	...	...	2	1	2	...	...	...
Steuben	4	...	...	...	...	...	2	...	...	...	2
Suffolk	26	3	1	...	...	1	...	...	...	2	19
Sullivan	4	1	...	...	...	1	1	...	...	...	1
Tioga	6	2	...	...	...	3	1	...	...	...	...
Tompkins	9	...	...	1	...	3	...	2	...	...	3
Ulster	17	...	2	...	...	4	1	...	...	...	10
Warren	3	...	...	...	...	2	...	...	...	...	1
Washington	...	...	...	...	...	...	...	...	...	...	...
Wayne	18	1	...	...	...	6	7	2	...	...	3
Westchester	90	7	...	...	7	10	16	21	9	...	20
Wyoming	11	...	...	...	...	...	7	2	2	...	...
Yates	9	...	...	...	...	2	4	1	...	...	2

*Disposed before fact-finding

Table A-9
FAMILY COURT
Original Dispositions Of Child Protective Petitions:
Days From Completion Of Fact-Finding Hearing To Completion Of Dispositional Hearing
1987

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applicable*
Total New York State	15,472	4,383	103	125	245	5,237	1,864	504	91	12	2,908
Total New York City	10,130	2,387	38	37	115	4,609	1,469	272	24	4	1,175
New York	3,172	457	20	32	79	1,951	334	43	1	4	251
Kings	4,103	1,184	8	3	29	1,767	480	84	17	...	531
Queens	1,562	418	6	1	5	486	378	64	5	...	199
Bronx	1,005	245	...	1	2	315	226	78	1	...	137
Richmond	288	83	4	...	...	90	51	3	...	...	57
Total Upstate	5,342	1,996	65	88	130	628	395	232	67	8	1,733
Albany	175	26	...	2	...	2	1	...	...	...	144
Allegany	27	11	...	...	...	3	...	...	1	...	12
Broome	137	38	4	11	11	34	14	3	5	...	17
Cattaraugus	68	21	...	...	...	8	4	2	...	...	33
Cayuga	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	79	48	...	4	3	2	6	...	...	...	16
Chemung	136	52	8	14	13	20	9	3	...	...	17
Chenango	26	14	...	...	1	1	2	...	...	...	8
Clinton	41	34	...	...	...	...	...	1	...	...	6
Columbia	26	12	...	...	...	1	...	...	...	...	13
Cortland	67	39	...	...	...	...	8	...	...	...	20
Delaware	35	14	...	...	1	1	17	...	...	...	2
Dutchess	1	...	...	...	...	...	...	...	...	...	1
Erie	656	374	10	15	18	48	32	9	5	...	145
Essex	17	5	...	...	...	1	...	3	...	...	8
Franklin	31	14	...	...	...	...	...	4	...	...	13
Fulton	47	2	3	1	1	17	8	1	...	...	9
Genesee	25	1	1	...	...	12	1	4	4	...	2
Greene	27	3	...	...	...	...	2	2	...	...	20
Hamilton	1	...	...	...	...	...	...	1	...	...	...
Herkimer	14	9	...	...	1	1	...	2	...	...	1
Jefferson	56	25	...	...	3	6	3	4	...	...	15
Lewis	15	3	...	3	...	1	3	...	...	...	5
Livingston	43	20	...	...	...	...	3	...	...	...	20
Madison	88	21	...	...	2	19	6	2	...	...	38
Monroe	834	410	27	18	18	39	10	20	17	...	275
Montgomery	27	1	...	1	1	1	...	...	...	...	23
Nassau	365	39	...	...	...	48	106	45	3	...	124
Niagara	103	27	...	...	1	24	10	13	3	...	25
Oneida	197	13	...	3	9	72	29	8	...	...	63
Onondaga	341	176	1	2	23	56	21	4	2	...	56
Ontario	58	15	3	...	...	1	2	24	...	...	13
Orange	...	...	...	...	...	...	...	...	...	...	...
Orleans	44	4	2	...	1	16	3	...	...	...	18
Oswego	42	24	...	...	3	4	...	...	...	...	11
Otsego	62	2	...	1	2	35	20	...	...	...	2
Putman	81	21	...	...	2	20	7	...	...	...	31
Rensselaer	110	26	...	7	4	20	4	...	5	...	44
Rockland	140	55	...	...	...	8	6	1	1	...	69
St. Lawrence	32	...	...	...	5	24	1	1	...	...	1
Saratoga	169	68	2	1	...	6	3	21	4	3	61
Schenectady	25	19	3	...	2	1	...	...	...	...	...
Schoharie	40	11	...	...	...	7	1	6	...	...	15
Schuyler	5	...	...	...	...	1	3	...	...	...	1
Seneca	24	4	...	...	...	2	2	9	...	...	7
Steuben	10	6	...	...	...	...	1	...	...	...	3
Suffolk	79	3	...	1	...	...	2	5	7	1	60
Sullivan	68	4	1	...	2	25	6	2	...	...	28
Tioga	30	7	...	...	...	...	13	3	...	...	7
Tompkins	55	10	...	...	...	8	2	3	...	...	32
Ulster	102	21	...	...	...	14	3	...	...	...	62
Warren	23	2	...	...	2	...	...	6	...	...	13
Washington	42	31	...	...	...	1	...	...	...	...	10
Wayne	71	22	...	...	...	7	5	3	...	...	34
Westchester	256	148	...	4	...	5	14	16	10	4	55
Wyoming	42	22	...	...	1	3	...	...	...	...	16
Yates	32	19	...	...	...	1	2	1	...	...	9

*Disposed before fact-finding

Table A-10
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Days From Completion Of Fact-Finding Hearing To Completion Of Dispositional Hearing
1987

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applic-able*
Total New York State	2,763	830	28	43	42	675	295	122	34	1	593
Total New York City	1,201	268	3	1	2	472	177	56	5	...	217
New York	183	37	2	...	...	103	20	2	...	...	19
Kings	636	163	1	...	...	249	56	15	5	...	147
Queens	282	49	...	1	...	77	83	38	...	...	34
Bronx	40	16	...	...	2	11	5	...	...	...	6
Richmond	60	3	...	...	...	32	13	1	...	...	11
Total Upstate	1,562	662	25	42	40	203	118	66	29	1	376
Albany	56	13	...	2	...	1	1	...	...	...	39
Allegany	8	2	...	...	...	1	...	...	1	...	4
Broome	37	9	...	6	2	9	5	...	2	...	4
Cattaraugus	16	6	...	...	...	4	1	...	...	...	5
Cayuga	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	47	30	...	...	1	2	6	...	...	...	8
Chemung	38	14	...	5	...	7	4	3	...	...	5
Chenango	12	8	...	...	1	...	...	...	...	...	3
Clinton	11	8	...	...	...	...	...	...	...	...	3
Columbia	8	4	...	...	...	1	...	...	...	...	3
Cortland	21	18	...	...	...	...	2	...	...	...	1
Delaware	12	5	...	...	1	1	5	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...	...
Erie	215	150	4	7	6	14	11	4	2	...	17
Essex	4	2	...	...	...	...	...	...	...	...	2
Franklin	8	3	...	...	...	...	...	4	...	...	1
Fulton	14	...	1	1	1	3	4	...	...	...	4
Genesee	6	1	1	...	...	2	...	1	...	...	1
Greene	5	1	...	...	...	...	...	1	...	...	3
Hamilton	1	...	...	...	...	...	...	1	...	...	...
Herkimer	7	4	...	...	1	1	...	1	...	...	...
Jefferson	18	10	...	...	1	2	1	2	...	...	2
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	25	13	...	...	...	...	2	...	...	...	10
Madison	23	6	...	...	...	3	...	...	...	...	14
Monroe	302	147	14	8	9	22	6	2	9	...	85
Montgomery	10	1	...	...	1	1	...	...	...	...	7
Nassau	67	7	...	...	...	13	17	10	2	...	18
Niagara	19	4	...	...	...	5	...	4	...	...	6
Oneida	57	2	...	2	2	24	17	3	...	...	7
Onondaga	115	47	1	2	6	36	6	4	1	...	12
Ontario	8	1	...	...	...	1	2	3	...	...	1
Orange	...	...	...	...	...	...	...	...	...	...	...
Orleans	2	1	...	...	...	...	1	...	...	...	...
Oswego	10	5	...	...	...	2	...	...	...	...	3
Otsego	11	2	...	1	1	5	2	...	...	...	...
Putman	17	6	...	...	...	7	4	...	...	...	...
Rensselaer	72	17	...	7	2	17	4	...	5	...	20
Rockland	30	10	...	...	...	...	1	1	1	...	17
St. Lawrence	5	...	...	...	2	3	...	...	...	...	...
Saratoga	18	7	...	...	...	...	...	1	...	...	10
Schenectady	15	10	3	...	2	...	...	...	...	...	...
Schoharie	8	3	...	...	...	1	1	3	...	...	...
Schuyler	2	...	...	...	...	1	...	...	...	...	1
Seneca	5	1	...	...	...	...	2	2	...	...	...
Steuben	4	2	...	...	...	...	...	...	...	...	2
Suffolk	26	...	...	1	...	1	...	...	5	1	19
Sullivan	4	1	1	...	...	...	...	1	...	...	1
Tioga	6	2	...	...	...	...	2	2	...	...	...
Tompkins	9	3	...	...	...	3	...	...	...	...	3
Ulster	17	3	...	...	...	2	2	...	...	...	10
Warren	3	...	...	...	...	...	...	2	...	...	1
Washington	...	...	...	...	...	...	...	...	...	...	...
Wayne	18	7	...	...	...	5	3	1	...	...	2
Westchester	90	53	...	...	...	2	5	9	1	...	20
Wyoming	11	9	...	...	1	1	...	...	...	...	...
Yates	9	4	...	...	...	1	1	1	...	...	2

*Disposed before fact-finding

Table A-11
FAMILY COURT
Original Dispositions of Child Protective Petitions: Type Of Petition
1987

Location	Total	Original Abuse Petition	Original Neglect Petition	Pins Petition	Petition Substituted For JO Petition	FO Petition	Other Petition
Total New York State	15,472	2,836	2,633	14	2	5	9
Total New York City	10,130	1,270	8,853	3	2	5	...
New York	3,172	218	2,951	1	1	1	...
Kings	4,103	649	3,449	1	...	4	...
Queens	1,562	292	1,270	...	...	...	...
Bronx	1,005	50	954	...	1	...	...
Richmond	288	61	226	1	...	...	...
Total Upstate	5,342	1,566	3,756	11	...	...	9
Albany	175	59	116	...	...	...	...
Allegany	27	8	19	...	...	...	...
Broome	137	41	96	...	...	...	...
Cattaraugus	69	16	53	...	...	...	...
Cayuga	...	...	...	...	...	...	...
Chautauqua	79	47	32	...	...	...	...
Chemung	136	39	97	...	...	...	...
Chenango	26	11	13	...	...	...	2
Clinton	41	11	30	...	...	...	...
Columbia	26	8	18	...	...	...	...
Cortland	67	19	48	...	...	...	...
Delaware	35	12	23	...	...	...	...
Dutchess	1	...	1	...	...	...	...
Erie	656	215	441	...	...	...	...
Essex	17	2	14	1	...	...	...
Franklin	31	5	26	...	...	...	...
Fulton	42	13	26	...	...	...	3
Genesee	25	6	19	...	...	...	...
Greene	27	5	22	...	...	...	...
Hamilton	1	1	...	...	...	...	...
Herkimer	14	7	7	...	...	...	...
Jefferson	56	18	38	...	...	...	...
Lewis	15	...	15	...	...	...	...
Livingston	43	27	16	...	...	...	...
Madison	86	21	64	...	...	...	1
Monroe	834	304	523	7	...	...	...
Montgomery	27	10	17	...	...	...	...
Nassau	365	64	301	...	...	...	...
Niagara	103	21	82	...	...	...	...
Oneida	197	55	142	...	...	...	...
Onondaga	341	127	214	...	...	...	...
Ontario	58	10	48	...	...	...	...
Orange	...	...	...	...	...	...	...
Orleans	44	2	42	...	...	...	...
Oswego	42	10	32	...	...	...	...
Otsego	62	11	51	...	...	...	...
Putnam	81	17	64	...	...	...	...
Rensselaer	110	72	38	...	...	...	...
Rockland	140	32	108	...	...	...	...
St. Lawrence	32	5	27	...	...	...	...
Saratoga	169	18	151	...	...	...	...
Schenectady	25	15	10	...	...	...	...
Schoharie	40	8	32	...	...	...	...
Schuyler	5	2	3	...	...	...	...
Seneca	24	4	20	...	...	...	...
Steuben	10	4	6	...	...	...	...
Suffolk	79	21	58	...	...	...	...
Sullivan	68	4	64	...	...	...	...
Tioga	30	8	22	...	...	...	...
Tompkins	55	9	43	...	...	...	3
Ulster	102	17	85	...	...	...	...
Warren	23	3	20	...	...	...	...
Washington	42	...	42	...	...	...	...
Wayne	71	18	53	...	...	...	...
Westchester	256	84	169	1	...	...	...
Wyoming	42	10	32	...	...	...	...
Yates	32	9	23	...	...	...	...

Table A-12
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Type of Petition
1987

Location	Total	Original Abuse Petition	Original Neglect Petition	Pins Petition	Petition Substituted For JO Petition	Petition Substituted For FO Petition	Other Petition
Total New York State	2,763	2,702	56	2			3
Total New York City	1,201	1,180	21				
New York	183	178	5				
Kings	636	621	15				
Queens	282	282					
Bronx	40	39	1				
Richmond	60	60					
Total Upstate	1,562	1,522	35	2			3
Albany	56	56					
Allegany	8	8					
Broome	37	37					
Cattaraugus	16	15	1				
Cayuga							
Chautauqua	47	47					
Chemung	38	38					
Chenango	12	10					2
Clinton	11	11					
Columbia	8	8					
Cortland	21	19	2				
Delaware	12	12					
Dutchess							
Erie	215	214	1				
Essex	4	2	2				
Franklin	8	5	3				
Fulton	14	13					1
Genesee	6	6					
Greene	5	5					
Hamilton	1	1					
Herkimer	7	7					
Jefferson	18	18					
Lewis							
Livingston	25	25					
Madison	23	23					
Monroe	302	302					
Montgomery	10	10					
Nassau	67	64	3				
Niagara	19	19					
Oneida	57	55	2				
Onondaga	115	109	6				
Ontario	8	8					
Orange							
Orleans	2	2					
Oswego	10	9	1				
Otsego	11	11					
Putnam	17	16	1				
Rensselaer	72	72					
Rockland	30	30					
St. Lawrence	5	5					
Saratoga	18	18					
Schenectady	15	15					
Schoharie	8	8					
Schuyler	2	2					
Seneca	5	4	1				
Steuben	4	4					
Suffolk	26	21	5				
Sullivan	4	4					
Tioga	6	6					
Tompkins	9	9					
Ulster	17	17					
Warren	3	3					
Washington							
Wayne	18	17	1				
Westchester	90	83	5	2			
Wyoming	11	10	1				
Yates	9	9					

Table A-13
FAMILY COURT
Original Dispositions Of Child Protective Petitions: Outcome Of Fact-Finding
1987

Location	Total	Abuse/Neglect Established After FF	Abuse/Neglect Established By Consent	Allegation Not Established After Fact-Finding	Not Applicable*
Total New York State	15,472	4,807	7,479	279	2,907
Total New York City	10,130	4,013	4,871	72	1,174
New York	3,172	1,472	1,429	20	251
Kings	4,103	1,356	2,200	16	531
Queens	1,562	780	552	31	199
Bronx	1,005	342	521	5	137
Richmond	288	63	169	...	56
Total Upstate	5,342	794	2,608	207	1,733
Albany	175	6	25	...	144
Allegany	27	4	8	3	12
Broome	137	37	66	17	17
Cattaraugus	68	6	28	1	33
Cayuga	...	...	...	...	...
Chautauqua	79	13	44	6	16
Chemung	136	16	102	1	17
Chenango	26	5	12	1	8
Clinton	41	7	27	1	6
Columbia	26	1	12	...	13
Cortland	67	13	34	...	20
Delaware	35	1	20	12	2
Dutchess	1	...	...	...	1
Erie	656	64	439	8	145
Essex	17	3	6	...	8
Franklin	31	2	16	...	13
Fulton	42	10	22	1	9
Genesee	25	8	10	5	2
Greene	27	2	4	1	20
Hamilton	1	...	1	...	...
Herkimer	14	7	6	...	1
Jefferson	56	3	38	...	15
Lewis	15	...	10	...	5
Livingston	43	2	21	...	20
Madison	88	5	45	...	38
Monroe	834	186	371	2	275
Montgomery	27	2	1	1	23
Nassau	365	51	184	6	124
Niagara	103	21	36	21	25
Oneida	197	45	53	36	63
Onondaga	341	45	233	7	56
Ontario	58	9	12	24	13
Orange	...	...	...	...	...
Orleans	44	12	13	1	18
Oswego	42	...	29	2	11
Otsego	62	54	2	4	2
Putman	81	30	18	2	31
Rensselaer	110	23	37	6	44
Rockland	140	11	58	2	69
St. Lawrence	32	...	31	...	1
Saratoga	169	6	90	12	61
Schenectady	25	18	7	...	...
Schoharie	40	13	9	3	15
Schuyler	5	...	4	...	1
Seneca	24	2	13	2	7
Steuben	10	...	7	...	3
Suffolk	79	6	7	6	60
Sullivan	68	5	30	5	28
Tioga	30	5	18	...	7
Tompkins	55	2	17	4	32
Ulster	102	4	36	...	62
Warren	23	...	10	...	13
Washington	42	3	29	...	10
Wayne	71	1	36	...	34
Westchester	256	22	175	4	55
Wyoming	42	2	24	...	16
Yates	32	1	22	...	9

*Disposed Before FF [Withdrawn, Consol., Trans., Dism.]

Table A-14
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Outcome Of Fact-Finding
1987

Location	Total	Abuse/Neglect Established After FF	Abuse/Neglect Established By Consent	Allegation Not Established After Fact-Finding	Not Applicable*
Total New York State	2,763	657	1,431	82	593
Total New York City	1,201	378	589	17	217
New York	183	59	102	3	19
Kings	636	167	318	4	147
Queens	282	125	113	10	34
Bronx	40	18	16	...	6
Richmond	60	9	40	...	11
Total Upstate	1,562	279	842	65	376
Albany	56	6	11	...	39
Allegany	8	...	4	...	4
Broome	37	19	14	...	4
Cattaraugus	16	1	10	...	5
Cayuga	...	...	...	...	...
Chautauqua	47	10	24	5	8
Chemung	38	7	25	1	5
Chenango	12	1	8	...	3
Clinton	11	...	8	...	3
Columbia	8	...	5	...	3
Cortland	21	9	11	...	1
Delaware	12	...	11	1	...
Dutchess	...	...	...	...	...
Erie	215	27	163	8	17
Essex	4	...	2	...	2
Franklin	8	...	7	...	1
Fulton	14	4	6	...	4
Genesee	6	1	3	1	1
Greene	5	...	1	1	3
Hamilton	1	...	1	...	...
Herkimer	7	6	1	...	...
Jefferson	18	1	15	...	2
Lewis	...	...	...	...	...
Livingston	25	...	15	...	10
Madison	23	...	9	...	14
Monroe	302	67	149	1	85
Montgomery	10	1	1	1	7
Nassau	67	13	35	1	18
Niagara	19	...	8	5	6
Oneida	57	12	29	9	7
Onondaga	115	22	80	1	12
Ontario	8	2	2	3	1
Orange	...	...	...	...	...
Orleans	2	1	1	...	...
Oswego	10	...	6	1	3
Otsego	11	7	2	2	—
Putman	17	10	6	1	...
Rensselaer	72	15	32	5	20
Rockland	30	4	7	2	17
St. Lawrence	5	...	5	...	...
Saratoga	18	...	8	...	10
Schenectady	15	10	5	...	...
Schoharie	8	4	1	3	...
Schuyler	2	...	1	...	1
Seneca	5	...	3	2	...
Steuben	4	...	2	...	2
Suffolk	26	3	1	3	19
Sullivan	4	1	2	...	1
Tioga	6	3	3	...	...
Tompkins	9	2	...	4	3
Ulster	17	2	5	...	10
Warren	3	...	2	...	1
Washington	...	...	...	...	...
Wayne	18	1	15	...	2
Westchester	90	6	60	4	20
Wyoming	11	...	11	...	...
Yates	9	1	6	...	2

*Disposed before FF [Withdrawn, Consol., Trans., Dism.]

Table A-15
FAMILY COURT
Original Dispositions Of Child Protective Petitions: Breakdown Of Dispositions (Allegations Not Established)
1987

		Dispositions — Allegations Not Established						
Location	Total	With-drawn	Consolidated	Transferred to Other County	ACD	Dismissed After Fact-Finding Hearing	Other Dismissal	Total Dispositions Allegations Established
Total New York State	15,472	1,040	22	53	1,538	221	513	12,085
Total New York City	10,130	541	2	9	543	100	192	8,743
New York	3,172	121	2	2	92	22	45	2,000
Kings	4,103	271	...	...	259	19	56	3,498
Queens	1,562	74	...	...	124	50	49	1,265
Bronx	1,005	60	...	...	40	6	39	860
Richmond	288	15	...	7	28	3	3	232
Total Upstate	5,342	499	20	44	995	121	321	3,342
Albany	175	8	...	3	120	...	18	26
Allegany	27	3	...	...	...	2	8	14
Broome	137	1	...	...	22	3	3	108
Cattaraugus	68	13	1	...	18	...	2	34
Cayuga	...	...	...	...	...	...	...	...
Chautauqua	79	11	...	...	9	...	3	56
Chemung	136	6	...	...	13	1	3	113
Chenango	26	...	...	...	9	...	...	17
Clinton	41	4	...	...	3	1	...	33
Columbia	26	5	1	1	6	...	...	13
Cortland	67	...	...	3	12	...	3	49
Delaware	35	...	...	...	12	...	2	21
Dutchess	1	...	...	...	1	...	...	...
Erie	656	3	...	...	93	8	58	494
Essex	17	3	...	...	3	...	2	9
Franklin	31	2	...	...	9	...	2	18
Fulton	42	3	...	1	6	...	...	32
Genesee	25	...	...	...	5	1	1	18
Greene	27	3	...	...	8	...	10	6
Hamilton	1	...	...	...	1	...	...	...
Herkimer	14	...	...	...	1	...	1	12
Jefferson	56	3	...	...	10	...	2	41
Lewis	15	4	...	...	1	...	...	10
Livingston	43	4	...	...	11	...	5	23
Madison	88	8	...	1	12	...	5	62
Monroe	834	94	6	4	116	19	41	554
Montgomery	27	...	...	5	15	...	6	1
Nassau	365	17	...	7	83	7	14	237
Niagara	103	10	...	...	36	1	4	52
Oneida	197	42	...	...	18	36	3	98
Onondaga	341	20	...	...	5	7	28	281
Ontario	58	5	...	3	27	...	2	21
Orange	...	...	...	...	...	...	...	...
Orleans	44	15	...	...	1	1	3	24
Oswego	42	6	...	1	...	6	...	29
Otsego	62	1	2	...	9	2	...	48
Putman	81	16	...	...	10	2	7	46
Rensselaer	110	23	4	...	18	2	2	61
Rockland	140	13	2	1	39	2	6	77
St. Lawrence	32	1	...	...	...	...	...	31
Saratoga	169	26	...	1	48	9	13	72
Schenectady	25	...	...	...	4	...	...	21
Schoharie	40	6	...	...	9	3	...	22
Schuyler	5	...	...	...	...	...	...	5
Seneca	24	2	2	...	7	...	1	12
Steuben	10	1	...	...	...	...	3	6
Suffolk	79	21	...	...	42	...	11	5
Sullivan	68	3	...	1	18	...	9	37
Tioga	30	7	...	1	...	...	...	22
Tompkins	55	14	...	...	13	4	10	14
Ulster	102	34	...	...	34	...	2	32
Warren	23	2	...	...	8	...	6	7
Washington	42	9	...	...	1	...	...	32
Wayne	71	1	...	...	31	...	2	37
Westchester	256	26	2	3	8	4	14	199
Wyoming	42	...	...	5	6	...	4	27
Yates	32	...	...	3	4	...	2	23

Table A-16
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Breakdown Of Dispositions (Allegations Not Established)
1987

Location	Total	Dispositions — Allegations Not Established						
		With-drawn	Consolidated	Transferred to Other County	ACD	Dismissed After Fact-Finding Hearing	Other Dismissal	Total Dispositions Allegations Established
Total New York State	2,763	249	9	12	287	79	109	2,018
Total New York City	1,201	113	1	...	104	34	34	915
New York	183	8	1	...	9	5	1	159
Kings	636	89	...	...	68	3	8	468
Queens	282	13	...	...	19	23	22	205
Bronx	40	2	...	...	1	...	3	34
Richmond	60	1	...	...	7	3	...	49
Total Upstate	1,562	136	8	12	183	45	75	1,103
Albany	56	7	...	3	23	...	10	13
Allegany	8	...	...	...	...	...	3	5
Broome	37	...	...	...	4	...	...	33
Cattaraugus	16	2	...	...	1	...	2	11
Cayuga	...	...	...	...	...	...	...	...
Chautauqua	47	4	...	...	7	...	2	34
Chemung	38	...	...	...	6	1	2	29
Chenango	12	...	...	...	3	...	...	9
Clinton	11	2	...	...	1	...	...	8
Columbia	8	2	...	1	...	...	...	5
Cortland	21	...	...	...	1	...	...	20
Delaware	12	...	...	...	...	...	1	11
Dutchess	...	...	...	...	...	...	...	...
Erie	215	...	...	...	13	8	9	185
Essex	4	...	...	...	...	...	2	2
Franklin	8	...	...	...	1	...	...	7
Fulton	14	3	...	...	1	...	...	10
Genesee	6	...	...	...	...	1	1	4
Greene	5	...	...	...	4	...	...	1
Hamilton	1	...	...	...	1	...	...	...
Herkimer	7	...	...	...	1	...	...	6
Jefferson	18	1	...	...	1	...	...	16
Lewis	...	...	...	...	...	...	...	...
Livingston	25	3	...	...	2	...	5	15
Madison	23	4	...	...	1	...	1	17
Monroe	302	38	3	3	31	5	13	209
Montgomery	10	...	...	3	6	...	...	1
Nassau	67	4	...	1	14	1	...	47
Niagara	19	8	...	...	2	...	2	7
Oneida	57	4	...	...	3	9	...	41
Onondaga	115	8	...	...	3	1	1	102
Ontario	8	...	...	...	4	...	...	4
Orange	...	...	...	...	...	...	...	...
Orleans	2	...	...	...	...	...	...	2
Oswego	10	2	...	1	...	1	...	6
Otsego	11	...	...	...	...	2	...	9
Putnam	17	...	...	...	...	1	1	15
Rensselaer	72	9	3	...	9	2	2	47
Rockland	30	3	...	...	7	2	3	15
St. Lawrence	5	...	...	...	...	...	...	5
Saratoga	18	5	...	...	3	...	3	7
Schenectady	15	...	...	...	...	...	...	15
Schoharie	8	...	...	...	...	3	...	5
Schuyler	2	...	...	...	...	...	...	2
Seneca	5	...	2	...	...	...	...	3
Steuben	4	...	...	...	...	...	2	2
Suffolk	26	8	...	...	15	...	1	2
Sullivan	4	...	...	...	1	...	...	3
Tioga	6	...	...	...	...	...	...	6
Tompkins	9	2	...	...	1	4	...	2
Ulster	17	8	...	...	2	...	...	7
Warren	3	...	...	...	3	...	...	...
Washington	...	...	...	...	...	...	...	...
Wayne	18	...	...	...	2	...	...	16
Westchester	90	9	...	...	5	4	8	64
Wyoming	11	...	...	...	...	...	...	11
Yates	9	...	...	...	1	...	1	7

Table A-17
FAMILY COURT
Original Dispositions Of Child Protective Petitions: Breakdown Of Dispositions (Allegations Established)
1987

Location	Total	Judgment Suspended	Released to Parent or Responsible Person	Released to Parent or Responsible Person Under Supervision	Discharged to Social Services for Adoption	Reliable or Suitble Person	Placement Comm. of Social Services	Other Aurthorized Agency
Total New York State	12,076	116	657	2,970	63	412	7,858	...
Total New York City	8,737	6	415	1,599	45	229	6,443	...
New York	2,888	1	123	505	11	24	2,224	...
Kings	3,492	5	148	594	20	69	2,656	...
Queens	1,265		102	248	11	127	777	...
Bronx	860	...	26	221	3	8	602	...
Richmond	232	...	16	31	...	1	184	...
Total Upstate	3,339	110	242	1,371	18	183	1,415	...
Albany	26	16	2	...	...	...	8	...
Allegany	14	...	2	2	4	1	5	...
Broome	108	...	4	34	...	9	61	...
Cattaraugus	34		4	9	...	...	21	...
Cayuga	...		...	...	...	...	...	...
Chautauqua	56		3	19	...	...	34	...
Chemung	111	...	...	67	...	2	42	...
Chenango	17	...	...	5	...	5	7	...
Clinton	33	2	...	11	...	6	14	...
Columbia	13	...	2	8	...	...	3	...
Cortland	49	2	8	8	...	1	30	...
Delaware	21	1	11	8	...	...	1	...
Dutchess	...	...	...	...	...	...	...	...
Erie	494	4	17	211	...	9	253	...
Essex	9	...	...	...	...	2	7	...
Franklin	18	...	6	2	...	...	10	...
Fulton	32	1	...	15	...	4	12	...
Genesee	18	...	...	16	...	...	3	...
Greene	6	...	4	...	...	...	2	...
Hamilton	...	...	...	...	...	...	...	...
Herkimer	12	...	...	4	...	...	8	...
Jefferson	41	...	5	24	...	1	11	...
Lewis	10	...	...	...	...	...	10	...
Livingston	23	1	5	2	...	3	12	...
Madison	62	...	1	17	...	13	31	...
Monroe	553	1	27	359	...	2	164	...
Montgomery	1	...	1	...	...	...	...	...
Nassau	237	9	7	91	1	1	128	...
Niagara	52	...	4	22	...	4	22	...
Oneida	98	...	13	7	...	3	75	...
Onondaga	281	...	25	116	...	39	101	...
Ontario	21	...	4	11	...	...	6	...
Orange	...	...	...	...	...	...	...	...
Orleans	24	...	5	4	...	4	11	...
Oswego	29	...	3	19	...	4	3	...
Otsego	48	1	2	13	1	...	31	...
Putman	46	3	3	4	...	9	27	...
Rensselaer	61	...	4	20	1	9	27	...
Rockland	77	12	4	35	3	2	21	...
St. Lawrence	31	...	...	17	...	10	4	...
Saratoga	72	35	11	5	...	6	15	...
Schenectady	21	...	4	...	4	...	13	...
Schoharie	22	...	...	6	...	4	12	...
Schuyler	5	...	3	1	...	1	...	...
Seneca	12	...	...	9	...	...	3	...
Steuben	6	1	2	...	...	...	3	...
Suffolk	5	...	...	...	...	2	3	...
Sullivan	37	14	2	11	3	1	6	...
Tioga	22	...	2	7	...	1	12	...
Tompkins	14	...	1	3	...	2	8	...
Ulster	32	...	2	6	...	1	23	...
Warren	7	...	...	3	...	1	3	...
Washington	32	6	4	1	...	2	19	...
Wayne	37	...	7	17	...	5	8	...
Westchester	199	...	28	95	...	6	70	...
Wyoming	27	1	...	9	...	7	10	...
Yates	23	...	...	19	1	1	2	...

Table A-18
FAMILY COURT
Original Dispositions Of Child Protective Petitions Envolving Abuse: Breakdown Of Dispositions (Allegations Established)
1987

Location	Total	Judgment Suspended	Released to Parent or Responsible Person	Released to Parent or Person Under Supervision	Discharged to Social Services for Adoption	Reliable or Suitble Person	Placement Comm. of Social Services	Other Aurthorized Agency
Total New York State	2,763	249	9	12	287	79	109	2,018
Total New York City	1,201	113	1	...	104	34	34	915
New York	183	8	1	...	9	5	1	159
Kings	636	89	...	...	68	3	8	468
Queens	282	13	...	...	19	23	22	205
Bronx	40	2	...	...	1	...	3	34
Richmond	60	1	...	...	7	3	...	49
Total Upstate	1,562	136	8	12	183	45	75	1,103
Albany	56	7	...	3	23	...	10	13
Allegany	8	...	...	...	...	...	3	5
Broome	37	...	...	...	4	...	...	33
Cattaraugus	16	2	...	...	1	...	2	11
Cayuga	...	...	...	...	...	...	...	...
Chautauqua	47	4	...	...	7	...	2	34
Chemung	38	...	...	...	6	1	2	29
Chenango	12	...	...	...	3	...	...	9
Clinton	11	2	...	...	1	...	...	8
Columbia	8	2	...	1	...	...	...	5
Cortland	21	...	...	...	1	...	...	20
Delaware	12	...	...	...	...	...	1	11
Dutchess	...	...	...	...	...	...	...	...
Erie	215	...	...	...	13	8	9	185
Essex	4	...	...	...	...	...	2	2
Franklin	8	...	...	...	1	...	...	7
Fulton	14	3	...	...	1	...	...	10
Genesee	6	...	...	...	...	1	1	4
Greene	5	...	...	...	4	...	...	1
Hamilton	1	...	...	...	1	...	...	...
Herkimer	7	...	...	...	1	...	...	6
Jefferson	18	1	...	...	1	...	...	16
Lewis	...	...	...	...	...	...	...	...
Livingston	25	3	...	...	2	...	6	15
Madison	23	4	...	...	1	...	1	17
Monroe	302	38	3	3	31	5	13	209
Montgomery	10	...	...	3	6	...	...	1
Nassau	67	4	...	1	14	1	...	47
Niagara	19	8	...	...	2	...	2	7
Oneida	57	4	...	...	3	9	...	41
Onondaga	115	8	...	...	3	1	1	102
Ontario	8	...	...	...	4	...	...	4
Orange	...	...	...	...	...	...	...	...
Orleans	2	...	...	...	...	...	...	2
Oswego	10	2	...	1	...	1	...	6
Otsego	11	...	...	...	...	2	...	9
Putman	17	...	...	...	...	1	1	15
Rensselaer	72	9	3	...	9	2	2	47
Rockland	30	3	...	...	7	2	3	15
St. Lawrence	5	...	...	...	...	...	...	5
Saratoga	19	6	...	...	3	...	3	7
Schenectady	15	...	...	...	...	...	...	15
Schoharie	8	...	...	...	...	3	...	5
Schuyler	2	...	...	...	...	...	...	2
Seneca	5	...	2	...	...	...	...	3
Steuben	4	...	...	...	...	...	2	2
Suffolk	26	8	...	...	15	...	1	2
Sullivan	4	...	...	...	1	...	...	3
Tioga	6	...	...	...	...	...	...	6
Tompkins	9	2	...	...	1	4	...	2
Ulster	17	8	...	...	2	...	...	7
Warren	3	...	...	...	3	...	...	...
Washington	...	...	...	...	...	...	...	...
Wayne	18	...	...	...	2	...	...	16
Westchester	90	9	...	...	5	4	8	64
Wyoming	11	...	...	...	...	...	...	11
Yates	9	...	...	...	1	...	1	7

Table A-19
FAMILY COURT
Original Dispositions Of Child Protective Petitions: Order Of Protection
1987

Location	Total	Order of Protection Entered	No Order of Protection Entered
Total New York State	15,472	3,799	11,673
Total New York City	10,130	1,455	8,675
New York	3,172	224	2,948
Kings	4,103	601	3,502
Queens	1,562	364	1,198
Bronx	1,005	134	871
Richmond	288	132	156
Total Upstate	5,342	2,344	2,998
Albany	176	43	132
Allegany	27	7	20
Broome	137	55	82
Cattaraugus	68	26	42
Cayuga	...	...	...
Chautauqua	79	14	65
Chemung	136	44	92
Chenango	26	11	15
Clinton	41	9	32
Columbia	26	9	17
Cortland	67	15	52
Delaware	35	17	18
Dutchess	1	...	1
Erie	656	239	417
Essex	17	5	12
Franklin	31	3	28
Fulton	42	9	33
Genesee	25	21	4
Greene	27	9	18
Hamilton	1	1	...
Herkimer	14	8	6
Jefferson	56	25	31
Lewis	15	9	6
Livingston	43	11	32
Madison	88	20	68
Monroe	834	656	178
Montgomery	27	1	26
Nassau	365	97	260
Niagara	103	24	79
Oneida	197	46	151
Onondaga	341	212	129
Ontario	58	29	29
Orange	...	...	...
Orleans	44	23	21
Oswego	42	34	8
Otsego	62	20	42
Putman	81	17	64
Rensselaer	110	76	34
Rockland	140	99	41
St. Lawrence	32	27	5
Saratoga	169	58	111
Schenectady	25	9	16
Schoharie	40	7	33
Schuyler	5	...	5
Seneca	24	15	9
Steuben	10	6	4
Suffolk	79	30	49
Sullivan	68	13	55
Tioga	30	3	27
Tompkins	55	25	30
Ulster	102	18	84
Warren	23	4	19
Washington	42	12	30
Wayne	71	66	5
Westchester	256	63	193
Wyoming	42	15	27
Yates	32	29	3

Table A-20
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Order Of Protection
1987

Location	Total	Order of Protection Entered	No Order of Protection Entered
Total New York State	2,763	1,511	1,252
Total New York City	1,201	499	702
New York	183	53	130
Kings	636	256	380
Queens	282	142	140
Bronx	40	13	27
Richmond	60	35	25
Total Upstate	1,562	1,012	550
Albany	56	31	25
Allegany	8	6	2
Broome	37	23	14
Cattaraugus	16	10	6
Cayuga	...	...	...
Chautauqua	47	12	35
Chemung	38	23	15
Chenango	12	10	2
Clinton	11	3	8
Columbia	8	6	2
Cortland	21	10	11
Delaware	12	11	1
Dutchess	...	...	...
Erie	215	155	60
Essex	4	2	2
Franklin	8	3	5
Fulton	14	7	7
Genesee	6	5	1
Greene	5	2	3
Hamilton	1	1	...
Herkimer	7	4	3
Jefferson	18	13	5
Lewis	...	...	...
Livingston	25	6	19
Madison	23	5	18
Monroe	302	261	41
Montgomery	10	...	10
Nassau	67	28	39
Niagara	19	7	12
Oneida	57	28	29
Onondaga	115	87	28
Ontario	8	8	...
Orange	...	...	...
Orleans	2	1	1
Oswego	10	10	...
Otsego	11	4	7
Putnam	17	5	12
Rensselaer	72	64	8
Rockland	30	27	3
St. Lawrence	5	5	...
Saratoga	18	6	12
Schenectady	15	8	7
Schoharie	8	2	6
Schuyler	2	...	2
Seneca	5	4	1
Steuben	4	3	1
Suffolk	26	19	7
Sullivan	4	4	...
Tioga	6	3	3
Tompkins	9	4	5
Ulster	17	9	8
Warren	3	...	3
Washington	...	...	...
Wayne	18	18	...
Westchester	90	37	53
Wyoming	11	5	6
Yates	9	7	2

Table A-21
FAMILY COURT
Original Dispositions Of Child Protective Petitions: Allegations In Petitions
1987

Location	Total	Abuse-Inflict Physical Injury	Abuse-Risk of Physical Injury	Abuse-Sex Offense Against Child	Neglect
Total New York State	16,389	880	724	1,564	13,221
Total New York City	10,571	493	309	591	9,178
New York	3,253	70	43	75	3,065
Kings	4,308	240	201	347	3,520
Queens	1,691	128	30	145	1,388
Bronx	1,005	11	16	13	965
Richmond	314	44	19	11	240
Total Upstate	5,818	387	415	973	4,043
Albany	175	7	7	42	119
Allegany	27	1	1	6	19
Broome	161	10	7	23	121
Cattaraugus	73	5	4	10	54
Cayuga	...	...	...	...	...
Chautauqua	79	9	4	34	32
Chemung	136	4	3	31	98
Chenango	26	4	...	8	14
Clinton	54	7	2	6	39
Columbia	26	3	...	5	18
Cortland	67	1	...	19	47
Delaware	41	2	1	9	29
Dutchess	1	...	...	...	1
Erie	732	82	68	121	461
Essex	19	...	...	4	15
Franklin	31	...	1	4	26
Fulton	48	6	4	8	30
Genesee	26	1	2	4	19
Greene	27	1	...	4	22
Hamilton	1	1	...	...	...
Herkimer	19	4	...	3	12
Jefferson	57	6	2	10	39
Lewis	15	...	...	...	15
Livingston	46	5	5	15	21
Madison	88	9	1	13	65
Monroe	947	54	203	152	538
Montgomery	33	5	4	5	19
Nassau	427	11	16	42	358
Niagara	106	2	4	13	87
Oneida	200	4	5	51	140
Onondaga	382	20	20	80	262
Ontario	58	...	...	8	50
Orange	...	...	...	...	...
Orleans	44	1	...	1	42
Oswego	43	1	4	6	32
Otsego	64	...	2	11	51
Putman	90	2	...	15	73
Rensselaer	135	28	12	46	49
Rockland	148	14	8	14	112
St. Lawrence	32	...	...	5	27
Saratoga	169	1	1	16	151
Schenectady	25	9	...	6	10
Schoharie	40	3	...	5	32
Schuyler	6	2	...	...	4
Seneca	25	2	...	3	20
Steuben	10	...	...	4	6
Suffolk	85	9	1	17	58
Sullivan	69	...	...	4	65
Tioga	30	...	...	6	24
Tompkins	56	1	...	8	47
Ulster	102	1	3	13	85
Warren	23	...	2	1	20
Washington	42	...	...	...	42
Wayne	72	3	...	15	54
Westchester	301	40	17	35	209
Wyoming	42	5	...	5	32
Yates	37	1	1	7	28

NOTE: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition.

Table A-22
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Allegations In Petitions
1987

Location	Total	Abuse-Inflict Physical Injury	Abuse-Risk of Physical Injury	Abuse-Sex Offense Against Child	Neglect
Total New York State	3,680	880	724	1,564	512
Total New York City	1,642	493	309	591	249
New York	264	70	43	75	76
Kings	841	240	201	347	53
Queens	411	128	30	145	108
Bronx	48	11	16	13	...
Richmond	86	44	19	11	12
Total Upstate	2,038	387	415	973	263
Albany	56	7	7	42	...
Allegany	8	1	1	6	...
Broome	61	10	7	23	21
Cattaraugus	21	5	4	10	2
Cayuga	...	...	...	...	...
Chautauqua	47	9	4	34	...
Chemung	38	4	3	31	...
Chenango	12	4	...	8	...
Clinton	24	7	2	6	9
Columbia	8	3	...	5	...
Cortland	21	1	...	19	1
Delaware	18	2	1	9	6
Dutchess	...	...	...	...	...
Erie	291	82	68	121	20
Essex	6	...	...	4	2
Franklin	8	...	1	4	3
Fulton	20	6	4	8	2
Genesee	7	1	2	4	...
Greene	5	1	...	4	...
Hamilton	1	1	...	...	...
Herkimer	12	4	...	3	5
Jefferson	19	6	2	10	1
Lewis	...	...	...	...	...
Livingston	28	5	5	15	3
Madison	23	9	1	13	...
Monroe	415	54	203	152	6
Montgomery	16	5	4	5	2
Nassau	129	11	16	42	60
Niagara	22	2	4	13	3
Oneida	60	4	5	51	...
Onondaga	156	20	20	80	36
Ontario	8	...	...	8	...
Orange	...	...	...	...	...
Orleans	2	1	...	1	...
Oswego	11	1	4	6	...
Otsego	13	...	2	11	...
Putman	26	2	...	15	9
Rensselaer	97	28	12	46	11
Rockland	38	14	8	14	2
St Lawrence	5	...	...	5	...
Saratoga	18	1	1	16	...
Schenectady	15	9	...	6	...
Schoharie	8	3	...	5	...
Schuyler	3	2	...	...	1
Seneca	6	2	...	3	1
Steuben	4	...	...	4	...
Suffolk	32	9	1	17	5
Sullivan	5	...	...	4	1
Tioga	6	...	...	6	...
Tompkins	10	1	...	8	1
Ulster	17	1	3	13	...
Warren	3	...	2	1	...
Washington	...	...	...	...	...
Wayne	19	3	...	15	1
Westchester	135	40	17	35	43
Wyoming	11	5	...	5	1
Yates	14	1	1	7	5

NOTE: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition.

Table A-23
FAMILY COURT
Original Dispositions Of Child Protective Petitions: Allegations Established
1987

Location	Total	Abuse	Neglect	Abuse and Neglect	Not applicable*
Total New York State	15,472	1,024	11,170	310	2,968
Total New York City	10,130	369	8,417	173	1,171
New York	3,172	54	2,825	41	252
Kings	4,103	192	3,330	64	517
Queens	1,562	94	1,198	60	210
Bronx	1,005	15	854	...	136
Richmond	288	14	210	8	56
Total Upstate	5,342	655	2,753	137	1,797
Albany	175	18	16	...	141
Allegany	27	3	10	1	13
Broome	137	6	89	16	26
Cattaraugus	68	5	28	1	34
Cayuga	...	...	...	...	...
Chautauqua	79	16	41	...	22
Chemung	136	25	92	1	18
Chenango	26	4	11	4	7
Clinton	41	...	30	4	7
Columbia	26	5	8	...	13
Cortland	67	17	32	1	17
Delaware	35	7	13	1	14
Dutchess	1	...	...	...	1
Erie	656	117	389	3	147
Essex	17	...	7	2	8
Franklin	31	7	11	...	13
Fulton	42	2	26	4	10
Genesee	25	4	14	...	7
Greene	27	...	6	...	21
Hamilton	1	1	...	...	...
Herkimer	14	1	7	5	1
Jefferson	56	11	29	1	15
Lewis	15	...	10	...	5
Livingston	43	2	17	4	20
Madison	88	15	48	1	24
Monroe	834	128	445	4	257
Montgomery	27	2	1	...	24
Nassau	365	3	223	18	121
Niagara	103	7	51	...	45
Oneida	197	34	77	...	86
Onondaga	341	37	235	16	53
Ontario	58	4	17	...	37
Orange	...	...	...	...	...
Orleans	44	1	25	...	18
Oswego	42	3	27	...	12
Otsego	62	7	49	1	5
Putman	81	6	38	4	33
Rensselaer	110	32	21	13	44
Rockland	140	9	70	...	61
St. Lawrence	32	2	29	...	1
Saratoga	169	5	93	...	71
Schenectady	25	11	14	...	...
Schoharie	40	5	18	...	17
Schuyler	5	...	5	...	...
Seneca	24	4	13	...	7
Steuben	10	3	5	...	2
Suffolk	79	9	13	...	57
Sullivan	68	3	37	...	28
Tioga	30	6	17	...	7
Tompkins	55	1	17	1	36
Ulster	102	5	39	...	58
Warren	23	...	8	2	13
Washington	42	...	32	...	10
Wayne	71	16	23	1	31
Westchester	256	36	143	22	55
Wyoming	42	8	18	1	15
Yates	32	2	16	5	9

*No finding

Table A-24
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Allegations Established
1987

Location	Total	Abuse	Neglect	Abuse and Neglect	Not Applicable*
Total New York State	2,763	1,024	803	310	626
Total New York City	1,201	369	433	173	226
New York	183	54	67	41	21
Kings	636	192	233	64	147
Queens	282	94	87	60	41
Bronx	40	15	19	...	6
Richmond	60	14	27	8	11
Total Upstate	1,562	655	370	137	400
Albany	56	18	1	...	37
Allegany	8	3	1	1	3
Broome	37	6	12	16	3
Cattaraugus	16	5	5	1	5
Cayuga	...	...	...	...	...
Chautauqua	47	16	18	...	13
Chemung	38	25	6	1	6
Chenango	12	4	1	4	3
Clinton	11	...	4	4	3
Columbia	8	5	...	...	3
Cortland	21	17	3	1	...
Delaware	12	7	3	1	1
Dutchess	...	...	...	...	...
Erie	215	117	70	3	25
Essex	4	...	...	2	2
Franklin	8	7	...	...	1
Fulton	14	2	4	4	4
Genesee	6	4	...	...	2
Greene	5	...	1	...	4
Hamilton	1	1	...	...	...
Herkimer	7	1	1	5	...
Jefferson	18	11	4	1	2
Lewis	...	...	...	...	...
Livingston	25	2	9	4	10
Madison	23	15	2	1	5
Monroe	302	128	88	4	82
Montgomery	10	2	...	...	8
Nassau	67	3	27	18	19
Niagara	19	7	1	...	11
Oneida	57	34	9	...	14
Onondaga	115	37	51	16	11
Ontario	8	4	...	...	4
Orange	...	...	...	...	...
Orleans	2	1	1	...	...
Oswego	10	3	3	...	4
Otsego	11	7	1	1	2
Putman	17	6	6	4	1
Rensselaer	72	32	6	13	21
Rockland	30	9	6	...	15
St. Lawrence	5	2	3	...	...
Saratoga	18	5	3	...	10
Schenectady	15	11	4	...	...
Schoharie	8	5	...	...	3
Schuyler	2	...	2	...	...
Seneca	5	4	1	...	...
Steuben	4	3	...	...	1
Suffolk	26	9	1	...	16
Sullivan	4	3	...	...	1
Tioga	6	6	...	...	...
Tompkins	9	1	...	1	7
Ulster	17	5	2	...	10
Warren	3	...	...	2	1
Washington	...	...	...	...	...
Wayne	18	16	...	1	1
Westchester	90	36	8	22	24
Wyoming	11	8	2	1	...
Yates	9	2	...	5	2

Table A-25
FAMILY COURT
Original Dispositions Of Child Protective Petitions: Temporary Removal Of Children From Home Before Petition Filed
1987

Location	Total	Removed Pursuant to 1622	Not Removed
Total New York State	15,472	4,521	10,951
Total New York City	10,130	3,077	7,053
New York	3,172	1,337	1,835
Kings	4,103	517	3,586
Queens	1,562	520	1,042
Bronx	1,005	641	364
Richmond	288	62	226
Total Upstate	5,342	1,444	3,898
Albany	175	23	152
Allegany	27	10	17
Broome	137	18	119
Cattaraugus	68	15	53
Cayuga	...	...	...
Chautauqua	79	7	72
Chemung	136	26	110
Chenango	26	4	22
Clinton	41	7	34
Columbia	26	14	12
Cortland	67	8	59
Delaware	35	...	35
Dutchess	1	...	1
Erie	656	17	639
Essex	17	5	12
Franklin	31	5	26
Fulton	42	9	33
Genesee	25	...	25
Greene	27	...	27
Hamilton	1	1	...
Herkimer	14	1	13
Jefferson	56	3	53
Lewis	15	1	14
Livingston	43	16	27
Madison	88	50	38
Monroe	834	386	448
Montgomery	27	17	10
Nassau	365	84	281
Niagara	103	40	63
Oneida	197	35	162
Onondaga	341	150	191
Ontario	58	3	55
Orange	...	...	...
Orleans	44	8	36
Oswego	42	8	34
Otsego	62	38	24
Putman	81	14	67
Rensselaer	110	50	60
Rockland	140	63	77
St. Lawrence	32	3	29
Saratoga	169	15	154
Schenectady	25	11	14
Schoharie	40	17	23
Schuyler	5	2	3
Seneca	24	3	21
Steuben	10	2	8
Suffolk	79	10	69
Sullivan	68	15	53
Tioga	30	2	28
Tompkins	55	17	38
Ulster	102	19	83
Warren	23	2	21
Washington	42	...	42
Wayne	71	12	59
Westchester	256	155	101
Wyoming	42	18	24
Yates	32	5	27

Table A-26
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuses: Temporary Removal Of Children From Home Before Petition Filed
1987

Location	Total	Removed Pursuant to 1022	Not Removed
Total New York State	2,763	619	2,144
Total New York City	1,201	152	1,049
New York	183	56	127
Kings	636	43	593
Queens	282	28	254
Bronx	40	12	28
Richmond	60	13	47
Total Upstate	1,562	467	1,095
Albany	56	13	43
Allegany	8	4	4
Broome	37	6	31
Cattaraugus	16	3	13
Cayuga	...	...	...
Chautauqua	47	2	45
Chemung	38	13	25
Chenango	12	...	12
Clinton	11	2	9
Columbia	8	2	6
Cortland	21	4	17
Delaware	12	...	12
Dutchess	...	...	...
Erie	215	5	210
Essex	4	1	3
Franklin	8	1	7
Fulton	14	2	12
Genesee	6	...	6
Greene	5	...	5
Hamilton	1	1	...
Herkimer	7	...	7
Jefferson	18	1	17
Lewis	...	...	...
Livingston	25	15	10
Madison	23	19	4
Monroe	302	102	200
Montgomery	10	8	2
Nassau	67	23	44
Niagara	19	9	10
Oneida	57	13	44
Onondaga	115	51	64
Ontario	8	...	8
Orange	...	...	...
Orleans	2	1	1
Oswego	10	1	9
Otsego	11	3	8
Putman	17	...	17
Rensselaer	72	37	35
Rockland	30	9	21
St. Lawrence	5	3	2
Saratoga	18	4	14
Schenectady	15	9	6
Schoharie	8	6	2
Schuyler	2	2	...
Seneca	5	...	5
Steuben	4	1	3
Suffolk	26	7	19
Sullivan	4	2	2
Tioga	6	...	6
Tompkins	9	7	2
Ulster	17	1	16
Warren	3	2	1
Washington	...	...	...
Wayne	18	4	14
Westchester	90	59	31
Wyoming	11	7	4
Yates	9	2	7

Table A-27
FAMILY COURT
Original Dispositions Of Child Protective Petitions: Temporary Removal Of Children From Home After Petition Filed
1987

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181 or More Days	Not Removed
Total New York State	15,331	288	232	222	317	3,109	3,694	2,013	5,456
Total New York City	9,999	166	139	124	210	2,503	3,184	1,616	2,057
New York	3,148	68	40	48	67	948	962	279	736
Kings	4,030	56	55	43	87	1,074	1,452	636	635
Queens	1,543	22	20	20	29	219	371	367	499
Bronx	983	16	20	12	24	178	298	274	161
Richmond	287	4	4	1	3	84	101	64	26
Total Upstate	5,332	122	93	98	107	606	510	397	3,399
Albany	175	4	1	...	1	12	1	4	152
Allegany	27	...	...	...	...	2	7	6	12
Broome	137	3	2	5	5	18	20	5	79
Cattaraugus	68	1	...	1	...	...	8	12	46
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	79	...	...	2	...	1	8	7	61
Chemung	136	7	7	2	6	37	15	8	54
Chenango	26	1	...	...	1	1	...	3	29
Clinton	41	3	...	...	1	...	3	...	34
Columbia	26	...	...	...	2	6	5	...	13
Cortland	67	...	...	...	1	16	7	4	39
Delaware	35	...	...	...	...	...	...	...	35
Dutchess	1	...	...	...	...	...	...	...	1
Erie	656	5	32	29	24	133	75	46	312
Essex	17	...	...	...	...	2	...	6	9
Franklin	31	5	...	...	...	1	2	...	23
Fulton	42	...	...	...	2	3	...	...	37
Genesee	25	...	...	...	1	1	1	1	21
Greene	27	...	1	...	1	9	...	1	15
Hamilton	1	...	...	...	...	...	...	...	1
Herkimer	14	4	...	...	...	...	5	2	3
Jefferson	56	...	1	1	...	3	...	6	45
Lewis	15	...	...	...	...	...	1	...	14
Livingston	43	...	...	4	...	10	2	...	27
Madison	88	...	1	...	...	5	9	3	70
Monroe	834	7	14	13	28	139	118	84	391
Montgomery	27	...	1	...	...	1	...	...	25
Nassau	361	5	3	...	4	12	27	30	280
Niagara	102	...	...	1	3	7	2	8	81
Oneida	197	...	...	2	...	4	14	14	163
Onondaga	341	22	7	16	5	50	48	14	179
Ontario	58	1	1	...	...	3	3	...	50
Orange	...	...	...	...	...	...	...	...	...
Orleans	44	3	...	...	1	2	5	...	33
Oswego	42	...	...	...	...	4	1	...	37
Otsego	62	1	...	...	...	4	19	15	23
Putnam	81	...	...	1	4	7	16	12	41
Rensselaer	110	7	6	...	...	9	21	18	49
Rockland	137	9	1	2	3	19	21	35	47
St. Lawrence	32	...	...	...	...	6	4	4	18
Saratoga	159	1	1	1	3	10	3	4	146
Schenectady	25	4	...	...	...	...	...	...	21
Schoharie	40	...	7	...	...	2	1	6	24
Schuyler	5	2	...	...	...	...	...	...	3
Seneca	24	3	...	...	...	...	...	...	21
Steuben	10	...	...	...	...	...	2	...	8
Suffolk	79	7	...	...	...	1	...	1	70
Sullivan	68	9	2	3	...	...	...	1	53
Tioga	30	1	...	...	...	3	5	7	14
Tompkins	55	...	...	3	...	7	1	6	38
Ulster	101	...	...	3	8	3	12	2	73
Warren	23	...	2	...	2	1	7	2	9
Washington	42	...	...	6	1	...	...	...	35
Wayne	71	...	...	...	...	4	4	5	58
Westchester	255	4	1	1	...	5	4	6	234
Wyoming	42	2	2	2	...	3	2	7	24
Yates	32	1	...	...	...	...	1	2	28

Table A-28
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Temporary Removal Of Children From Home After Petition Filed
1987

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181 or More Days	Not Removed
Total New York State	2,745	73	50	30	28	363	435	409	1,357
Total New York City	1,185	23	28	11	14	213	289	243	364
New York	181	4	1	...	2	28	44	32	70
Kings	629	13	18	8	7	141	176	101	165
Queens	282	6	8	2	3	21	36	82	124
Bronx	33	...	1	1	2	10	10	6	3
Richmond	60	...	...	...	...	13	23	22	2
Total Upstate	1,560	50	22	19	14	150	146	166	993
Albany	56	2	1	...	...	4	1	4	44
Allegany	8	...	...	...	...	1	...	4	3
Broome	37	1	...	...	1	7	9	1	18
Cattaraugus	16	...	...	...	...	...	3	2	11
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	47	...	...	...	...	1	4	7	35
Chemung	38	5	1	...	1	11	4	1	15
Chenango	12	...	...	...	...	4	...	3	5
Clinton	11	1	...	...	...	...	1	...	9
Columbia	8	...	...	...	1	...	...	...	7
Cortland	21	...	...	...	1	7	2	...	11
Delaware	12	...	...	...	...	...	...	...	12
Dutchess	...	...	...	...	...	...	...	...	...
Erie	215	1	7	6	2	34	25	21	119
Essex	4	...	...	...	...	...	...	2	2
Franklin	8	3	...	...	...	...	...	...	5
Fulton	14	...	...	...	1	...	...	...	13
Genesee	6	...	...	...	...	...	...	...	6
Greene	5	...	1	...	...	2	...	...	2
Hamilton	1	...	...	...	...	...	...	...	1
Herkimer	7	4	...	...	...	...	...	2	1
Jefferson	18	...	...	...	...	1	...	2	15
Lewis	...	...	...	...	...	...	...	...	...
Livingston	25	...	...	4	...	9	2	...	10
Madison	23	...	...	...	...	...	...	1	22
Monroe	302	4	4	3	5	39	31	30	186
Montgomery	10	...	...	...	...	1	...	...	9
Nassau	66	3	1	...	...	1	5	12	44
Niagara	19	...	...	...	...	1	...	7	11
Oneida	57	...	...	...	...	...	4	6	47
Onondaga	115	5	1	1	2	12	18	13	63
Ontario	8	...	1	...	...	...	1	...	6
Orange	...	...	...	...	...	...	...	...	...
Orleans	2	1	...	...	...	...	...	...	1
Oswego	10	...	...	...	...	...	...	...	10
Otsego	11	...	...	...	...	1	1	2	7
Putman	17	...	...	...	...	...	1	8	8
Rensselaer	72	4	...	...	...	5	29	11	32
Rockland	30	1	...	2	...	5	...	8	14
St. Lawrence	5	...	...	...	...	1	2	...	2
Saratoga	18	1	...	1	...	1	1	1	13
Schenectady	15	4	...	...	...	...	...	...	11
Schoharie	8	...	2	...	...	...	1	3	2
Schuyler	2	2	...	...	...	...	...	...	...
Seneca	5	...	...	...	...	...	...	...	5
Steuben	4	...	...	...	...	...	...	...	4
Suffolk	26	5	...	...	...	1	...	1	19
Sullivan	4	1	...	...	...	...	...	1	2
Tioga	6	...	...	...	...	...	...	2	4
Tompkins	9	...	...	1	...	4	...	2	2
Ulster	16	...	...	...	...	...	3	...	13
Warren	3	...	2	...	...	...	1	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	18	...	...	...	...	...	...	3	15
Westchester	90	...	1	1	...	...	4	...	84
Wyoming	11	2	...	...	...	...	2	5	2
Yates	9	...	...	...	...	...	...	1	8

Table A-29
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Age Of Boys When Petition Filed
1987

Location	Total	3 or Younger	4-6	7-9	10-12	13-15	16 or More
Total New York State	950	276	222	186	146	79	41
Total New York City	469	131	113	90	71	42	22
New York	83	28	27	13	9	4	2
Kings	242	63	52	48	38	26	15
Queens	94	29	23	18	15	8	1
Bronx	17	6	4	4	2	1	...
Richmond	33	5	7	7	7	3	4
Total Upstate	481	145	109	96	75	37	19
Albany	21	5	8	5	2	...	1
Allegany	1	...	...	1	...	...	...
Broome	15	3	3	6	1	1	1
Cattaraugus	3	2	...	...	...	...	1
Cayuga	...	...	...	...	...	...	...
Chautauqua	15	7	6	1	1	...	...
Chemung	10	3	1	4	...	2	...
Chenango	3	...	1	1	1	...	...
Clinton	3	1	...	2	...	...	...
Columbia	5	...	3	1	1	...	...
Cortland	8	3	1	2	2	...	...
Delaware	3	1	1	...	1	...	...
Dutchess	...	...	...	...	...	...	...
Erie	75	28	15	7	15	6	4
Essex	...	...	...	...	...	...	...
Franklin	3	2	...	...	1	...	...
Fulton	2	...	...	1	...	...	1
Genesee	1	...	...	...	1	...	...
Greene	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...
Herkimer	3	1	2	...	...	...	...
Jefferson	6	3	1	...	2	...	...
Lewis	...	...	...	...	...	...	...
Livingston	8	5	...	...	1	2	...
Madison	7	1	3	2	...	1	...
Monroe	119	32	27	29	20	5	6
Montgomery	2	2	...	...	...	...	...
Nassau	16	12	3	...	1	...	...
Niagara	7	...	2	1	2	2	...
Oneida	14	2	4	4	...	2	2
Onondaga	34	6	9	8	5	6	...
Ontario	1	...	...	1	...	...	...
Orange	...	...	...	...	...	...	...
Orleans	1	1	...	...	...	...	...
Oswego	1	...	1	...	...	...	...
Otsego	2	...	1	...	1	...	...
Putman	8	3	2	2	...	...	1
Rensselaer	21	3	4	3	7	3	1
Rockland	3	...	2	1	...	...	...
St. Lawrence	2	...	1	1	...	...	...
Saratoga	2	...	...	...	...	2	...
Schenectady	4	2	2	...	...	...	...
Schoharie	2	1	1	...	...	...	...
Schuyler	2	1	...	1	...	...	...
Seneca	2	...	...	...	2	...	...
Steuben	...	...	...	...	...	...	...
Suffolk	4	...	...	...	2	1	1
Sullivan	...	...	...	...	...	...	...
Tioga	1	...	...	...	...	1	...
Tompkins	2	...	...	2	...	...	...
Ulster	3	1	...	1	...	1	...
Warren	1	1	...	...	...	...	...
Washington	...	...	...	...	...	...	...
Wayne	8	...	2	2	4	...	...
Westchester	25	12	2	7	2	2	...
Wyoming	1	...	1	...	...	...	...
Yates	1	1	...	...	...	...	...

Table A-30
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Age Of Girls When Petition Filed
1987

Location	Total	3 or Younger	4-6	7-9	10-12	13-15	16 or More
Total New York State	1,664	357	309	308	287	249	154
Total New York City	683	165	155	134	96	76	57
New York	96	30	26	18	12	8	2
Kings	372	87	85	68	53	44	35
Queens	169	40	35	37	25	16	16
Bronx	22	6	6	4	4	2	...
Richmond	24	2	3	7	2	6	4
Total Upstate	981	192	154	174	191	173	97
Albany	31	5	3	8	10	3	2
Allegany	2	1	...	...	...	...	1
Broome	19	4	...	3	3	8	1
Cattaraugus	12	2	2	1	3	3	1
Cayuga	...	...	...	...	...	...	...
Chautauqua	32	4	8	9	6	3	2
Chemung	27	4	7	4	6	5	1
Chenango	7	1	...	1	2	...	3
Clinton	6	2	2	...	...	1	1
Columbia	3	...	...	...	...	3	...
Cortland	11	...	2	2	4	1	2
Delaware	8	2	2	1	3	...	...
Dutchess	...	...	...	...	...	...	...
Erie	128	30	26	25	19	18	10
Essex	4	2	1	...	...	1	...
Franklin	4	...	...	1	2	1	...
Fulton	12	...	1	7	3	1	...
Genesee	5	1	...	1	2	...	1
Greene	5	2	1	...	...	1	1
Hamilton	1	...	...	...	...	...	1
Herkimer	4	...	1	1	1	1	...
Jefferson	11	3	2	...	5	1	...
Lewis	...	...	...	...	...	...	...
Livingston	14	2	3	1	4	2	2
Madison	15	4	3	3	2	2	1
Monroe	172	37	24	30	30	31	12
Montgomery	7	3	1	...	...	1	2
Nassau	45	4	7	8	8	11	7
Niagara	12	...	3	3	4	1	1
Oneida	40	3	8	7	6	10	6
Onondaga	76	25	13	11	10	11	6
Ontario	7	1	...	2	1	2	1
Orange	...	...	...	...	...	...	...
Orleans	1	...	...	...	1	...	...
Oswego	9	1	2	1	2	2	1
Otsego	8	2	1	1	1	1	2
Putman	9	3	3	1	...	2	...
Rensselaer	46	12	3	8	10	8	5
Rockland	27	13	2	3	3	2	4
St. Lawrence	3	1	...	...	...	1	1
Saratoga	13	1	3	2	1	4	2
Schenectady	10	1	3	1	2	2	1
Schoharie	5	1	...	...	...	2	2
Schuyler	...	...	...	...	...	...	...
Seneca	3	...	...	...	2	...	1
Steuben	3	...	2	1	...	...	...
Suffolk	20	3	1	3	9	2	2
Sullivan	3	...	...	...	...	3	...
Tioga	2	...	...	1	...	...	1
Tompkins	6	...	3	...	2	1	...
Ulster	12	...	...	5	4	1	2
Warren	2	1	...	...	...	1	...
Washington	...	...	...	...	...	...	...
Wayne	9	1	1	1	2	3	1
Westchester	53	8	8	13	6	12	6
Wyoming	10	1	2	3	2	2	...
Yates	7	1	...	1	2	2	1

Table A-31
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Type Of Petitioner
1987

Location	Total	Child Protective Agency	Person on Court's Direction
Total New York State	2,763	2,748	15
Total New York City	1,201	1,191	10
New York	183	179	4
Kings	636	631	5
Queens	282	281	1
Bronx	40	40	...
Richmond	60	60	...
Total Upstate	1,562	1,557	5
Albany	56	56	...
Allegany	8	8	...
Broome	37	37	...
Cattaraugus	16	16	...
Cayuga	...	...	...
Chautauqua	47	47	...
Chemung	38	38	...
Chenango	12	12	...
Clinton	11	11	...
Columbia	8	8	...
Cortland	21	21	...
Delaware	12	12	...
Dutchess	...	...	...
Erie	215	215	...
Essex	4	4	...
Franklin	8	8	...
Fulton	14	14	...
Genesee	6	6	...
Greene	5	5	...
Hamilton	1	1	...
Herkimer	7	6	1
Jefferson	18	18	...
Lewis	...	...	...
Livingston	25	25	...
Madison	23	23	...
Monroe	302	299	3
Montgomery	10	10	...
Nassau	67	66	1
Niagara	19	19	...
Oneida	57	57	...
Onondaga	115	115	...
Ontario	8	8	...
Orange	...	...	...
Orleans	2	2	...
Oswego	10	10	...
Otsego	11	11	...
Putman	17	17	...
Rensselaer	72	72	...
Rockland	30	30	...
St. Lawrence	5	5	...
Saratoga	18	18	...
Schenectady	15	15	...
Schoharie	8	8	...
Schuyler	2	2	...
Seneca	5	5	...
Steuben	4	4	...
Suffolk	26	26	...
Sullivan	4	4	...
Tioga	6	6	...
Tompkins	9	9	...
Ulster	17	17	...
Warren	3	3	...
Washington	...	...	...
Wayne	18	18	...
Westchester	90	90	...
Wyoming	11	11	...
Yates	9	9	...

Table A-32
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Adjournments From Filing Petition To Completion Of Fact-Finding Hearing
1987

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	2,763	194	268	354	370	319	231	511	516
Total New York City	1,201	8	64	144	174	184	126	287	214
New York	183	...	4	31	25	41	24	36	22
Kings	636	2	39	66	82	93	69	142	143
Queens	282	1	19	30	43	41	26	94	28
Bronx	40	1	...	10	9	...	2	12	6
Richmond	60	4	2	7	15	9	5	3	15
Total Upstate	1,562	186	204	210	196	135	105	224	302
Albany	56	38	1	...	5	2	6	4	...
Allegany	8	3	...	...	3	1	...	...	1
Broome	37	17	11	7	...	1	...	...	1
Cattaraugus	16	2	3	3	2	1	...	...	5
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	47	4	7	10	8	6	3	3	6
Chemung	38	11	6	3	6	3	1	3	5
Chenango	12	9	...	...	...	...	...	...	3
Clinton	11	6	2	...	...	...	...	...	3
Columbia	8	1	2	2	...	...	...	...	3
Cortland	21	3	8	4	4	2	...	...	...
Delaware	12	2	8	...	2	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...
Erie	215	6	37	32	52	23	20	29	16
Essex	4	...	...	...	...	...	...	2	2
Franklin	8	3	4	...	...	...	...	...	1
Fulton	14	5	4	...	4	...	...	...	1
Genesee	6	2	...	2	...	1	...	...	1
Greene	5	...	1	1	...	...	...	...	3
Hamilton	1	1	...	...	...	...	...	...	...
Herkimer	7	4	...	...	...	2	...	1	...
Jefferson	18	...	2	2	1	3	4	3	3
Lewis	...	...	...	...	...	...	...	...	...
Livingston	25	4	14	3	1	3	...	...	...
Madison	23	...	5	3	...	...	...	1	14
Monroe	302	11	7	24	41	43	29	70	77
Montgomery	10	...	...	3	...	...	...	...	7
Nassau	67	2	5	6	4	9	3	20	18
Niagara	19	8	1	3	...	1	...	...	6
Oneida	57	...	4	18	5	8	3	12	7
Onondaga	115	...	12	11	14	8	12	41	17
Ontario	8	...	...	3	4	1	...	...	...
Orange	...	...	...	...	...	...	...	...	...
Orleans	2	...	1	...	1	...	...	...	...
Oswego	10	6	4	...	...	...	...	...	...
Otsego	11	9	...	2	...	...	...	...	...
Putman	17	...	3	1	1	...	6	6	...
Rensselaer	72	4	6	8	8	9	7	10	20
Rockland	39	1	...	3	1	1	3	5	16
St. Lawrence	5	...	2	3	...	...	...	...	...
Saratoga	18	...	...	5	2	...	...	1	10
Schenectady	15	7	6	2	...	...	...	...	...
Schoharie	8	...	3	1	...	1	...	2	1
Schuyler	2	...	...	...	1	...	...	1	...
Seneca	5	...	...	3	2	...	...	...	...
Steuben	4	1	2	...	...	...	...	...	1
Suffolk	26	2	...	3	1	...	...	2	18
Sullivan	4	1	...	...	1	...	...	1	1
Tioga	6	...	2	3	1	...	...	...	...
Tompkins	9	...	1	...	3	1	1	...	3
Ulster	17	3	2	1	1	...	...	...	10
Warren	3	...	...	2	...	...	...	...	1
Washington	...	...	...	...	...	...	...	...	...
Wayne	18	...	1	2	2	1	4	6	2
Westchester	90	10	17	24	14	4	3	1	17
Wyoming	11	...	6	5	...	...	...	...	...
Yates	9	...	4	2	1	...	...	...	2

Table A-33
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Adjournments From Completion Of Fact-Finding Hearing To Completion Of Dispositional Hearing
1987

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	2,763	994	667	287	120	92	49	63	491
Total New York City	1,201	257	362	207	68	59	23	20	205
New York	183	22	76	32	10	10	11	4	18
Kings	636	163	196	81	26	18	3	5	144
Queens	282	52	66	60	31	27	9	9	28
Bronx	40	17	10	7	...	...	...	...	6
Richmond	60	3	14	27	1	4	...	2	9
Total Upstate	1,562	737	305	80	52	33	26	43	286
Albany	56	9	17	9	9	7	1	4	...
Allegany	8	4	...	...	...	1	2	...	1
Broome	37	22	5	3	2	1	1	2	1
Cattaraugus	16	5	5	...	1	...	...	...	5
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	47	32	1	5	...	2	1	...	6
Chemung	38	26	2	3	...	...	3	...	4
Chenango	12	8	4	...	...	...	...	...	...
Clinton	11	8	...	...	...	...	...	...	3
Columbia	8	4	1	...	...	...	...	...	3
Cortland	21	18	3	...	...	...	...	...	...
Delaware	12	8	4	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...
Erie	215	150	44	3	...	...	1	1	16
Essex	4	2	...	...	...	...	...	...	2
Franklin	8	3	...	...	4	...	...	...	1
Fulton	14	3	10	...	...	...	...	...	1
Genesee	6	1	3	...	...	...	...	1	1
Greene	5	1	1	...	...	...	...	...	3
Hamilton	1	1	...	...	...	...	...	...	...
Herkimer	7	6	1	...	...	...	...	...	...
Jefferson	18	8	2	1	1	1	...	3	2
Lewis	...	...	...	...	...	...	...	...	...
Livingston	25	22	3	...	...	...	...	...	...
Madison	23	8	...	...	...	...	...	1	14
Monroe	302	164	47	6	5	3	2	2	73
Montgomery	10	1	...	1	...	1	...	...	7
Nassau	67	5	10	14	10	3	2	5	18
Niagara	19	13	...	...	...	...	...	...	6
Oneida	57	8	27	4	2	6	...	3	7
Onondaga	115	40	33	7	8	4	2	9	12
Ontario	8	6	...	2	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...
Orleans	2	1	...	1	...	...	...	...	...
Oswego	10	8	2	...	...	...	...	...	...
Otsego	11	11	...	...	...	...	...	...	...
Putman	17	6	7	...	1	...	...	3	...
Rensselaer	72	16	17	5	5	4	...	5	20
Rockland	30	10	...	1	...	...	1	1	17
St. Lawrence	5	4	1	...	...	...	...	...	...
Saratoga	18	7	1	...	...	...	1	...	10
Schenectady	15	10	5	...	...	...	...	...	...
Schoharie	8	3	2	3	...	...	...	...	...
Schuyler	2	1	...	...	...	...	...	1	...
Seneca	5	1	4	...	...	...	...	...	...
Steuben	4	3	...	...	...	...	...	...	1
Suffolk	26	...	3	...	...	...	5	1	17
Sullivan	4	2	...	...	...	...	...	...	2
Tioga	6	2	4	...	...	...	...	...	...
Tompkins	9	3	3	1	...	...	...	...	2
Ulster	17	...	7	1	...	...	...	...	9
Warren	3	...	2	...	...	...	...	...	1
Washington	...	...	...	...	...	...	...	...	...
Wayne	18	7	2	3	3	...	1	...	2
Westchester	90	44	18	6	...	...	4	1	17
Wyoming	11	8	3	...	...	...	...	...	...
Yates	9	4	1	1	1	...	...	...	2

*Disposed before fact-finding

Table A-34
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Dispositions In Child Abuse Parts
1987

Location	Total	Disposed in Child Abuse Part	Disposed in Other Part
Total New York State	2,763	1,942	821
Total New York City	1,201	988	213
New York	183	62	121
Kings	636	620	16
Queens	282	275	7
Bronx	40	31	9
Richmond	60	...	60
Total Upstate	1,562	954	608
Albany	56	16	40
Allegany	8	7	1
Broome	37	37	...
Cattaraugus	16	..	16
Cayuga	...	...	...
Chautauqua	47	...	47
Chemung	38	...	38
Chenango	12	7	5
Clinton	11	1	10
Columbia	8	...	8
Cortland	21	18	3
Delaware	12	...	12
Dutchess	...	...	...
Erie	215	215	...
Essex	4	2	2
Franklin	8	...	8
Fulton	14	...	14
Genesee	6	1	5
Greene	5	4	1
Hamilton	1	...	1
Herkimer	7	...	7
Jefferson	18	...	18
Lewis	...	...	...
Livingston	25	...	25
Madison	23	23	...
Monroe	302	297	5
Montgomery	10	7	3
Nassau	67	...	67
Niagara	19	10	9
Oneida	57	1	56
Onondaga	115	63	52
Ontario	8	4	4
Orange	...	...	...
Orleans	2	...	2
Oswego	10	...	10
Otsego	11	3	8
Putman	17	17	...
Rensselaer	72	71	1
Rockland	30	2	28
St.Lawrence	5	5	...
Saratoga	18	5	13
Schenectady	15	15	...
Schoharie	8	1	7
Schuyler	2	1	1
Seneca	5	...	5
Steuben	4	3	1
Suffolk	26	18	8
Sullivan	4	4	...
Tioga	6	...	6
Tompkins	9	...	9
Ulster	17	4	13
Warren	3	1	2
Washington	...	...	...
Wayne	18	...	18
Westchester	90	80	10
Wyoming	11	11	...
Yates	9	...	9

Table A-35
FAMILY COURT
Child Protective Petitions: Orders Extending Placement
1987

Placement	Total Orders Extdg. Plcmt.	1st Order Extdg. Plcmt.	2nd Order Extdg. Plcmt.	3rd Order Extdg. Plcmt.	4th or More Order Extdg. Plcmt.
New York State					
Rel., Suitable Person	74	43	23	2	6
Comm. Social Service	4,334	2,227	934	413	760
Other Auth. Agency	5	1	1	2	1
Total	4,413	2,271	958	417	767
New York City					
Rel., Suitable Person	37	20	15	1	1
Comm. Social Service	2,856	1,614	593	243	406
Other Auth. Agency	4	1	1	1	1
Total	2,897	1,635	609	245	408
Outside New York City					
Rel., Suitable Person	37	23	8	1	5
Comm. Social Service	1,478	613	341	170	354
Other Auth. Agency	1	...	...	1	...
Total	1,516	636	349	172	359

This table only includes those 110 forms where petition type (Section E) is code 4—child protective

Table A-36
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Days From Filing Petition To Completion Of Fact-Finding Hearing
1987

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days
Total New York State	9,105	884	525	408	433	1,810	838	255	22	4
Total New York City	3,751	343	90	66	57	811	585	179	17	4
New York	1,086	145	21	20	17	260	87	27	4	2
Kings	1,546	98	29	17	23	288	332	108	12	1
Queens	666	51	22	17	15	177	99	28	1	...
Bronx	276	27	5	3	3	52	48	14	...	1
Richmond	177	22	13	9	9	34	19	2	...	...
Total Upstate	5,354	541	435	342	366	999	253	76	5	...
Albany	264	15	7	36	37	95	13	1	...	...
Allegany	44	1	2	2	6	8	5	...	...	...
Broome	157	20	61	13	17	16	1	...	...	...
Cattaraugus	67	4	1	5	11	19	1	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...
Chautauqua	74	6	6	6	12	17	4	9	...	...
Chemung	160	8	25	35	37	24	1	1	...	...
Chenango	12	1	...	4	2	4	...	...	...	...
Clinton	24	2	2	...	...	3	1	...	...	...
Columbia	17	1	2	2	1	4	...	...	...	...
Cortland	13	1	1	1	1	4	3	...	...	...
Delaware	3	...	...	...	...	1	...	1	...	...
Dutchess	120	9	14	12	6	32	4	1	1	...
Erie	422	77	24	20	28	61	17	4	...	...
Essex	10	3	1	...	...	3	...	...	...	...
Franklin	23	...	10	...	...	3	...	...	...	...
Fulton	20	4	6	1	1	3	...	...	...	...
Genesee	60	6	4	6	5	10	5	1	...	...
Greene	4	2	...	1	...	...	...	...	...	...
Hamilton	1	...	...	...	...	...	1	...	...	...
Herkimer	24	2	...	...	1	5	5	9	...	...
Jefferson	79	6	5	5	3	13	2	...	...	...
Lewis	10	...	...	7	1	2	...	...	...	...
Livingston	22	...	1	...	...	...	...	...	...	...
Madison	25	1	1	1	2	2	...	...	...	...
Monroe	469	37	22	27	30	88	23	7	...	...
Montgomery	30	1	4	2	...	19	1	...	...	...
Nassau	680	180	20	21	33	61	25	7	1	...
Niagara	115	7	19	13	12	26	7	1	1	...
Oneida	123	9	12	13	17	34	6	...	...	...
Onondaga	564	18	26	13	12	79	14	4	2	...
Ontario	40	6	4	9	3	5	1	1	...	...
Orange	147	2	20	5	9	53	19	3	...	...
Orleans	20	1	1	2	...	7	...	...	...	...
Oswego	59	3	1	1	3	39	7	1	...	...
Otsego	8	3	1	...	...	4	...	...	...	...
Putman	26	2	...	...	...	5	1	...	...	...
Rensselaer	162	4	3	3	7	44	16	8	...	...
Rockland	79	5	2	2	6	13	9	2	...	...
St. Lawrence	15	5	3	...	...	3	...	...	...	...
Saratoga	140	4	44	11	12	35	5	...	...	...
Schenectady	10	2	5	3	...	...	...	...	...	...
Schoharie	10	2	1	1	...	...	...	...	...	...
Schuyler	4	1	...	...	...	...	...	...	...	...
Seneca	19	...	1	1	1	4	5	3	...	...
Steuben	56	1	4	3	4	19	4	2	...	...
Suffolk	302	13	16	15	7	30	8	3	...	...
Sullivan	78	7	1	9	4	11	3	1	...	...
Tioga	17	2	1	2	6	...	1	...	...	...
Tompkins	17	2	...	...	...	7	1	...	...	...
Ulster	168	4	3	9	11	28	14	1	...	...
Warren	43	11	17	3	4	3	...	...	...	...
Washington	45	13	13	5	1	2	...	...	...	...
Wayne	87	13	5	5	4	18	3	...	...	...
Westchester	121	11	10	5	3	24	15	4	...	...
Wyoming	32	1	...	...	6	4	2	1	...	...
Yates	13	2	3	2	...	5	...	...	...	...

*Disposed before fact-finding

Table A-37
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Days From Completion Of Fact-Finding Hearing To Completion Of Dispositional Hearing

1987

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days
Total New York State	9,105	1,299	139	159	251	2,051	575	658	36	11
Total New York City	3,751	604	52	77	77	716	275	338	15	8
New York	1,086	180	18	35	36	179	66	58	4	7
Kings	1,546	201	21	18	11	287	126	236	8	...
Queens	666	147	8	12	20	140	58	21	3	1
Bronx	276	38	3	11	7	58	21	15	...	...
Richmond	177	38	2	1	3	52	4	8	...	...
Total Upstate	5,354	695	87	82	174	1,335	300	320	21	3
Albany	264	31	6	2	30	97	31	7	...	...
Allegany	44	7	...	...	...	14	3	...	...	...
Broome	157	12	3	19	23	54	16	1	...	...
Cattaraugus	67	7	...	4	3	21	6	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...
Chautauqua	74	8	1	5	12	30	1	3	...	...
Chemung	160	26	4	3	2	77	16	3	...	...
Chenango	12	4	...	...	1	2	2	2	...	...
Clinton	24	3	3	1	...	...	...	1	...	...
Columbia	17	5	1	...	...	3	1	...	...	...
Cortland	13	6	...	...	1	3	1	...	...	...
Delaware	3	2	...	...	...	...	...	...	...	...
Dutchess	120	17	...	...	...	33	11	18	...	...
Erie	422	84	1	2	9	36	...	99	...	...
Essex	10	4	...	...	...	1	1	1	...	...
Franklin	23	1	...	...	2	6	4	...	...	...
Fulton	20	3	...	...	...	7	5	...	...	...
Genesee	60	10	2	...	7	16	...	1	1	...
Greene	4	1	...	...	...	2	...	...	...	...
Hamilton	1	1	...	...	...	...	...	...	...	...
Herkimer	24	10	...	1	...	4	3	4	...	...
Jefferson	79	25	...	1	2	6	...	...	...	...
Lewis	10	...	...	1	1	8	...	...	...	...
Livingston	22	1	...	...	...	...	...	...	...	...
Madison	25	...	1	...	...	3	2	...	1	...
Monroe	469	34	12	7	17	139	17	6	2	...
Montgomery	30	1	...	1	1	22	2	...	...	...
Nassau	680	101	2	4	7	160	58	14	2	...
Niagara	115	21	5	7	9	40	3	1	...	...
Oneida	123	14	10	4	3	59	...	1	...	...
Onondaga	564	37	7	...	8	92	10	14	...	...
Ontario	40	7	1	1	...	10	...	10	...	...
Orange	147	6	3	2	1	67	14	18	...	...
Orleans	20	2	...	...	1	8	...	...	...	...
Oswego	59	17	...	...	3	28	7	...	...	...
Otsego	8	1	1	...	1	4	1	...	...	...
Putman	26	4	...	...	...	4	...	...	...	...
Rensselaer	162	33	4	1	4	38	3	2	...	...
Rockland	79	12	...	1	...	15	5	5	1	...
St. Lawrence	15	...	...	...	...	11	...	...	...	...
Saratoga	140	12	1	2	4	33	7	52	...	...
Schenectady	10	9	...	...	...	1	...	...	...	...
Schoharie	10	...	...	1	2	1	...	...	...	...
Schuyler	4	...	...	...	...	1	...	...	...	...
Seneca	19	10	...	...	...	5	...	...	...	...
Steuben	56	3	...	...	...	10	8	16	...	...
Suffolk	302	14	2	4	1	34	13	9	12	3
Sullivan	78	10	5	1	1	15	2	2	...	...
Tioga	17	2	...	1	...	2	5	2	...	...
Tompkins	17	2	...	...	...	5	3	...	...	...
Ulster	168	13	2	...	4	38	10	2	1	...
Warren	43	12	...	2	11	10	2	1	...	...
Washington	45	25	3	1	...	3	2	...	...	...
Wayne	87	4	1	...	...	25	14	4	...	...
Westchester	121	13	1	2	3	25	8	19	1	...
Wyoming	32	7	...	1	...	4	1	1	...	...
Yates	13	1	5	...	...	3	2	1	...	...

*Disposed before fact-finding

Table A-38
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Outcome Of Fact-Finding
1987

Location	Total	Allegation Established in Whole or in Part After Fact-Finding Hearing	Allegation Established in Whole or In Part By Admission	Allegation Not Established After Fact-Finding Hearing	Not Applicable*	Not Applicable JO Removed For Disposition Only
Total New York State	9,105	442	4,490	241	3,932	...
Total New York City	3,751	245	1,823	91	1,592	...
New York	1,086	77	474	30	505	...
Kings	1,546	90	779	38	639	...
Queens	666	50	346	14	256	...
Bronx	276	24	126	3	123	...
Richmond	177	4	98	6	69	...
Total Upstate	5,354	197	2,667	150	2,340	...
Albany	264	...	202	1	61	...
Allegany	44	1	23	...	20	...
Broome	157	15	105	8	29	...
Cattaraugus	67	...	38	3	26	...
Cayuga	...	...	...	...	...	...
Chautauqua	74	...	58	2	14	...
Chemung	160	7	122	2	29	...
Chenango	12	3	7	1	1	...
Clinton	24	...	8	...	16	...
Columbia	17	...	10	...	7	...
Cortland	13	1	10	...	2	...
Delaware	3	...	2	...	1	...
Dutchess	120	4	75	...	41	...
Erie	422	12	210	9	191	...
Essex	10	...	7	...	3	...
Franklin	23	...	13	...	10	...
Fulton	20	...	15	...	5	...
Genesee	60	...	34	3	23	...
Greene	4	...	3	...	1	...
Hamilton	1	...	1	...	...	...
Herkimer	24	2	18	2	2	...
Jefferson	79	2	32	...	45	...
Lewis	10	...	10	...	...	...
Livingston	22	...	1	...	21	...
Madison	25	...	7	...	18	...
Monroe	469	39	182	12	236	...
Montgomery	30	1	26	...	3	...
Nassau	680	18	320	10	332	...
Niagara	115	11	64	11	29	...
Oneida	123	10	76	5	32	...
Onondaga	564	5	157	6	396	...
Ontario	40	2	17	10	11	...
Orange	147	14	96	...	37	...
Orleans	20	5	5	1	9	...
Oswego	59	...	54	1	4	...
Otsego	8	3	5	...	...	...
Putman	26	1	5	2	18	...
Rensselaer	162	8	68	9	77	...
Rockland	79	1	38	...	40	...
St. Lawrence	15	...	11	...	4	...
Saratoga	140	3	100	8	29	...
Schenectady	10	...	10	...	...	...
Schoharie	10	...	4	...	6	...
Schuyler	4	...	1	...	3	...
Seneca	19	3	12	...	4	...
Steuben	56	1	33	3	19	...
Suffolk	302	10	50	32	210	...
Sullivan	78	1	35	...	42	...
Tioga	17	1	11	...	5	...
Tompkins	17	1	9	...	7	...
Ulster	168	6	60	4	98	...
Warren	43	1	37	...	5	...
Washington	45	1	31	2	11	...
Wayne	87	2	46	...	39	...
Westchester	121	1	68	7	49	...
Wyoming	32	1	13	...	18	...
Yates	13	...	12	...	1	...

Disposed before fact-finding

Table A-39
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Duration Of Probation
1987

Location	Total	0-6 Months	7-12 Months	13-18 Months	19-24 Months
Total New York State	9,105	7,161	1,166	159	619
Total New York City	3,751	3,083	463	104	101
New York	1,086	924	127	15	20
Kings	1,546	1,254	188	46	58
Queens	666	541	84	26	15
Bronx	276	223	44	4	5
Richmond	177	141	20	13	3
Total Upstate	5,354	4,078	703	55	518
Albany	264	182	80	1	1
Allegany	44	29	7	3	5
Broome	157	100	53	1	3
Cattaraugus	67	46	5	1	15
Cayuga	...	...	...	...	...
Chautauqua	74	40	34	...	...
Chemung	160	108	4	...	48
Chenango	12	11	1	...	...
Clinton	24	21	2	...	1
Columbia	17	15	1	...	1
Cortland	13	10	3	...	...
Delaware	3	2	1	...	...
Dutchess	120	85	28	5	2
Erie	422	342	75	...	5
Essex	10	8	...	...	2
Franklin	23	14	8	1	...
Fulton	20	10	...	...	10
Genesee	60	43	17	...	...
Greene	4	3	1	...	...
Hamilton	1	1	...	...	...
Herkimer	24	12	7	5	...
Jefferson	79	57	21	...	1
Lewis	10	1	5	2	2
Livingston	22	21	...	...	1
Madison	25	19	4	...	2
Monroe	469	381	15	...	73
Montgomery	30	7	21	...	2
Nassau	680	528	8	...	144
Niagara	115	77	34	1	3
Oneida	123	85	29	6	3
Onondaga	564	490	71	...	3
Ontario	40	33	...	...	7
Orange	147	101	6	...	40
Orleans	20	14	1	1	4
Oswego	59	28	2	...	29
Otsego	8	7	...	...	1
Putman	26	24	2	...	...
Rensselaer	162	125	2	...	35
Rockland	79	62	2	...	15
St. Lawrence	15	10	3	...	2
Saratoga	140	110	30	...	...
Schenectady	10	5	4	1	...
Schoharie	10	10	...	...	...
Schuyler	4	4	...	...	...
Seneca	19	8	2	7	2
Steuben	56	49	...	1	6
Suffolk	302	273	7	6	16
Sullivan	78	65	7	5	1
Tioga	17	12	...	...	5
Tompkins	17	16	...	...	1
Ulster	168	134	32	...	2
Warren	43	28	12	...	3
Washington	35	23	17	...	5
Wayne	87	55	18	...	14
Westchester	121	100	17	1	3
Wyoming	32	25	4	3	...
Yates	13	9	...	4	...

Table A-40
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Breakdown Of Dispositions (Allegations Not Established)
1987

Location	Total	Dispositions—Allegations Not Established								Total Dispositions-Allegations Established
		Withdrawn	Consolidated	Change of venue	Found Incapacitated	Dismissed in Furtherance of Justice	Dismissed After Fact-Finding Hearing	ACD	Other Dismissal	
Total New York State	9,105	1,240	91	241	3	309	165	2,279	915	3,862
Total New York City	3,751	858	10	3	2	118	91	848	320	1,501
New York	1,086	304	...	3	...	56	28	216	106	373
Kings	1,546	355	1	...	1	20	41	369	102	657
Queens	666	118	9	...	...	16	12	157	60	294
Bronx	276	67	...	...	1	15	4	44	36	109
Richmond	177	14	...	...	...	11	6	62	16	68
Total Upstate	5,354	382	81	238	1	191	74	1,431	595	2,361
Albany	264	...	...	17	...	11	1	54	22	159
Allegany	44	2	1	...	...	...	1	13	4	23
Broome	157	1	...	...	...	...	3	40	7	106
Cattaraugus	67	6	1	3	...	2	...	15	5	35
Cayuga	...	...	...	...	...	...	...	...	...	...
Chautauqua	74	6	...	2	...	...	...	1	8	57
Chemung	160	1	15	17	...	7	...	7	8	105
Chenango	12	...	...	...	...	...	...	5	2	5
Clinton	24	2	...	...	...	...	...	15	...	7
Columbia	17	1	...	1	...	3	...	3	...	9
Cortland	13	...	...	1	...	...	1	2	2	7
Delaware	3	...	...	...	...	...	...	...	1	2
Dutchess	120	5	15	2	...	...	...	42	1	55
Erie	422	6	...	2	...	...	4	206	82	122
Essex	10	1	...	1	...	...	...	1	...	7
Franklin	23	1	...	...	...	...	...	5	3	14
Fulton	20	3	1	...	...	...	...	1	...	15
Genesee	60	3	...	4	...	2	1	7	11	32
Greene	4	...	...	...	...	1	...	...	...	3
Hamilton	1	...	...	...	...	...	...	1	...	...
Herkimer	24	...	...	...	...	...	2	4	...	18
Jefferson	79	3	33	...	...	...	...	8	1	34
Lewis	10	...	...	...	...	...	...	...	...	10
Livingston	22	1	3	...	...	...	...	17	...	1
Madison	25	...	...	1	...	...	...	6	10	8
Monroe	469	46	...	2	...	1	11	147	44	218
Montgomery	30	...	...	...	...	...	...	4	1	25
Nassau	680	8	3	131	...	...	9	127	140	262
Niagara	115	4	...	1	...	4	2	24	7	73
Oneida	123	9	...	2	...	14	7	2	2	87
Onondaga	564	45	...	2	...	82	3	229	65	138
Ontario	40	4	...	3	1	1	...	9	4	18
Orange	147	13	2	2	...	5	1	25	8	91
Orleans	20	9	1	...	...	...	...	...	...	10
Oswego	59	2	...	4	...	...	1	...	...	52
Otsego	8	...	...	...	...	...	...	...	...	8
Putman	26	4	...	1	...	...	2	13	1	5
Rensselaer	162	9	1	5	...	...	9	60	5	73
Rockland	79	6	...	2	...	1	...	24	17	29
St. Lawrence	15	1	1	1	...	...	...	...	1	11
Saratoga	140	6	...	9	...	14	6	63	1	41
Schenectady	10	...	...	...	...	...	...	3	...	7
Schoharie	10	4	...	1	...	...	...	1	...	4
Schuyler	4	...	...	1	...	...	...	1	1	1
Seneca	19	...	...	...	...	...	...	3	...	16
Steuben	56	5	...	...	...	2	...	21	13	15
Suffolk	302	81	...	1	...	9	...	79	77	55
Sullivan	78	11	1	...	...	4	...	29	5	28
Tioga	17	...	...	...	...	3	...	1	2	11
Tompkins	17	...	...	1	...	...	...	4	4	8
Ulster	168	27	...	11	...	19	5	39	6	61
Warren	43	2	...	2	...	...	...	4	...	35
Washington	45	4	...	...	...	...	2	5	2	32
Wayne	87	14	...	1	...	5	1	13	6	47
Westchester	121	26	3	1	...	1	2	29	14	45
Wyoming	32	...	...	3	...	...	...	17	2	10
Yates	13	...	...	...	...	...	...	2	...	11

Table A-41
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Breakdown Of Dispositions (Allegations Established)
1987

				Placement							
Location	Total	Conditional Discharge	Probation	Home, Relative Private Person	Comm. Social Services	DFY Title II	DFY Title III	DFY 60 Day Option	DFY 6 Month Resid.	Soc. Serv. Trans. to Mental Hygiene	DFY Trans. to Mental Hygiene	Other Placement
Total New York State	3,862	449	1,944	16	279	480	615	16	...	9	4	...
Total New York City	1,501	193	668	7	4	358	229	3	...	1	2	...
New York	373	42	162	...	...	111	57	...	...	...	1	...
Kings	657	112	292	1	1	133	85	1	...	...	...	...
Queens	294	19	125	6	2	82	55	1	...	...	...	...
Bronx	109	11	53	...	1	21	20	1	...	1	1	...
Richmond	68	9	36	...	...	11	12	...	...	...	...	...
Total Upstate	2,361	256	1,276	9	275	122	386	13	...	8	2	1
Albany	159	13	82	...	20	...	39	...	...	5	...	...
Allegany	23	1	15	1	...	4	2	...	...	...	...	...
Broome	106	13	57	1	26	...	8	...	...	1	...	...
Cattaraugus	35	1	21	...	2	...	11	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	57	...	34	...	8	...	15	...	...	...	...	...
Chemung	105	27	52	...	13	4	8	1	...	...	...	...
Chenangu	5	...	1	...	1	3	...	...	...	...	...	...
Clinton	7	...	3	...	...	...	4	...	...	...	...	...
Columbia	9	...	2	...	1	...	6	...	...	...	...	...
Cortland	7	2	3	...	1	1	...	...	...	...	...	...
Delaware	2	...	1	...	...	...	1	...	...	...	...	...
Dutchess	55	1	35	...	7	3	4	...	...	...	...	...
Erie	122	2	80	...	15	1	24	...	...	...	...	...
Essex	7	...	2	...	2	...	3	...	...	...	...	...
Franklin	14	...	9	...	3	...	2	...	...	...	...	...
Fulton	15	...	10	...	1	1	3	...	...	...	...	...
Genesee	32	...	17	...	14	...	1	...	..	...	...	...
Greene	3	...	1	...	...	...	2	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...	...
Herkimer	18	...	12	...	1	4	1	...	...	...	...	...
Jefferson	34	2	22	...	6	...	4	...	...	...	...	...
Lewis	10	1	9	...	...	...	...	...	...	...	...	...
Livingston	1	...	1	...	...	...	...	...	...	...	...	...
Madison	8	...	6	...	...	...	2	...	...	...	...	...
Monroe	218	30	88	...	10	5	82	...	...	1	1	...
Montgomery	25	...	23	...	2	...	...	...	...	...	...	...
Nassau	262	43	152	...	...	34	27	1	...	...	...	...
Niagara	73	7	38	1	3	5	18	1	...	...	...	...
Oneida	87	...	38	...	12	28	6	3	...	...	...	...
Onondaga	138	11	74	...	31	5	16	...	...	...	...	...
Ontario	18	3	7	...	2	1	5	...	...	...	...	...
Orange	91	12	46	...	12	...	20	...	...	1	...	...
Orleans	10	...	6	...	3	...	1	...	...	...	...	...
Oswego	52	20	31	1	...	...	...	...	...	...	...	...
Otsego	8	...	1	...	4	...	3	...	...	...	...	...
Putman	5	...	2	...	3	...	...	...	...	...	...	...
Rensselaer	73	22	37	...	4	...	10	...	...	...	...	...
Rockland	29	2	17	...	5	...	2	3	...	...	...	...
St. Lawrence	11	...	5	...	5	...	1	...	...	...	...	...
Saratoga	41	2	30	...	4	...	5	...	...	...	...	...
Schenectady	7	...	5	...	...	...	2	...	...	...	...	...
Schoharie	4	1	...	...	2	...	1	...	...	...	...	...
Schuyler	1	...	...	...	1	...	...	...	...	...	...	...
Seneca	16	3	11	...	2	..	...	...	...	...	...	...
Steuben	15	...	7	...	2	...	6	...	...	...	...	...
Suffolk	55	10	29	2	3	1	10	...	...	...	...	...
Sullivan	28	3	13	...	6	1	4	...	...	...	...	...
Tioga	11	...	5	...	1	4	1	...	...	...	...	...
Tompkins	8	4	1	...	2	1	...	...	...	...	...	...
Ulster	61	8	34	...	5	10	2	2	...	...	...	...
Warren	35	7	15	2	7	...	4	...	...	...	...	...
Washington	32	...	22	1	3	...	6	...	...	...	...	...
Wayne	47	2	32	...	10	1	2	...	...	...	...	...
Westchester	45	2	21	...	9	5	6	1	...	...	1	...
Wyoming	10	...	7	...	1	...	1	...	...	...	...	1
Yates	11	1	4	...	...	...	5	1	...	...	...	...

Table A-42
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Crimes Alleged In Petitions:
1987

	Total New York State	Total New York City	Total Upstate
Felonies			
Assault or Related Offenses	668	489	179
Homicide	21	15	6
Criminal Trespass/Burglary	1,345	354	991
Criminal Mischief/Tamp.	672	345	327
Grand Larceny	1,564	1,177	387
Robbery	787	665	122
Crim. Poss. Stolen Property	824	624	200
Controlled Substance Offense	301	252	49
Marijuana Possession/Sale	6	3	3
Weapon Offenses	134	111	23
Other Felonies	493	207	286
Misdemeanors			
Assault or Related Offenses	1,192	627	565
Crim. Trespass/Burg. or Rel. Offenses	670	348	322
Crim. Mischief/Tamp./Reck. End. Prep.	1,175	529	646
Petit Larceny	2,049	494	1,555
Theft & Related Offenses	1,583	907	676
Controlled Substance Offenses	224	200	24
Marijuana Possession/Sale	86	59	27
Riot/Harass./Loitering	109	32	77
Unlawful Possession Weapon	150	82	68
Weapon Offenses	335	289	45
Other Misdemeanors	522	212	310

NOTE: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition.

Table A-43
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Crimes Found To Have Been Committed
1987

	Total New York State	Total New York City	Total Upstate
Felonies			
Assault or Related Offense	116	70	46
Homicide	7	5	2
Criminal Trespass/Burglary	421	55	366
Criminal Mischief/Tamp	142	36	106
Grand Larceny	328	192	136
Robbery	134	101	33
Crim. Poss. Stolen Property	144	82	62
Controlled Substance Offense	82	61	21
Marijuana Possession/Sale	2	2	...
Weapon Offenses	41	31	10
Other Felonies	166	56	110
Misdemeanors			
Assault or Related Offenses	518	216	302
Crim. Trespass/Burg. or Rel. Offenses	387	143	244
Crim. Mischief/Tamp./Reck. End. Prep.	479	143	336
Petit Larceny	1,104	210	894
Theft & Related Offenses	890	509	381
Controlled Substance Offenses	148	133	15
Marijuana Possession/Sale	42	22	20
Riot/Harass./Loitering	44	8	36
Unlawful Possession Weapon	59	26	33
Weapon Offenses	110	87	23
Other Misdemeanors	286	117	169
Allegation not Established	4,073	1,651	2,422

NOTE: The number of crimes found to have been commited exceeds the number of dispositions because multiple allegations may have been reported for each petition.

Table A-44
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Co-Respondent In Each Petition
1987

Location	Total	None	1	2	3	4 or More
Total New York State	9,105	5,695	1,952	860	340	258
Total New York City	3,751	2,625	663	254	113	96
New York	1,086	760	179	66	39	42
Kings	1,546	1,133	258	92	30	33
Queens	666	467	113	56	20	10
Bronx	276	168	61	26	16	5
Richmond	177	97	52	14	8	6
Total Upstate	5,354	3,070	1,289	606	227	162
Albany	264	134	65	35	14	16
Allegany	44	24	11	8	1	...
Broome	157	76	41	26	12	2
Cattaraugus	67	43	11	6	3	4
Cayuga	...	...	...	...	...	...
Chautauqua	74	32	25	14	2	1
Chemung	160	81	63	12	2	2
Chenango	12	10	1	1	...	...
Clinton	24	7	3	4	...	10
Columbia	17	14	2	1	...	...
Cortland	13	12	1	...	...	...
Delaware	3	3	...	...	...	...
Dutchess	120	81	22	9	2	6
Erie	422	239	116	44	20	3
Essex	10	8	2	...	...	...
Franklin	23	11	10	1	...	1
Fulton	20	12	2	3	2	1
Genesee	60	24	16	15	1	4
Greene	4	4	...	...	...	...
Hamilton	1	1	...	...	...	...
Herkimer	24	13	9	...	1	1
Jefferson	79	56	14	7	1	1
Lewis	10	1	1	4	4	...
Livingston	22	14	4	3	...	1
Madison	25	12	6	5	1	1
Monroe	469	285	122	37	10	15
Montgomery	30	12	5	13	...	...
Nassau	680	468	124	57	23	8
Niagara	115	57	37	10	9	2
Oneida	123	74	31	17	1	...
Onondaga	564	309	152	46	20	37
Ontario	40	18	16	3	3	...
Orange	147	63	42	24	15	3
Orleans	20	15	...	5	...	...
Oswego	59	54	2	3	...	...
Otsego	8	5	3	...	...	...
Putman	26	16	4	6	...	...
Rensselaer	162	75	58	17	5	7
Rockland	79	37	25	8	5	4
St. Lawrence	15	6	4	3	2	...
Saratoga	140	69	37	24	9	1
Schenectady	10	10	...	...	...	...
Schoharie	10	8	1	1	...	...
Schuyler	4	4	...	...	...	...
Seneca	19	9	7	2	1	...
Steuben	56	29	11	4	9	3
Suffolk	302	198	58	26	20	...
Sullivan	78	43	11	7	16	1
Tioga	17	8	4	3	2	...
Tompkins	17	11	4	2	...	...
Ulster	168	93	31	35	3	6
Warren	43	14	13	11	4	1
Washington	45	32	5	3	...	5
Wayne	87	54	23	4	...	6
Westchester	121	64	22	24	4	7
Wyoming	32	10	10	10	...	2
Yates	13	8	2	3	...	...

Table A-45
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Age Of Alleged Victims By Crime Alleged
1987

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applicable*	Not Available	Not Reported
Total New York State									
Felonies									
Assault or Related Offenses	3,340	8	42	10	3	1	145	462	2,669
Homicide	60	1	...	...	1	...	5	5	48
Criminal Trespass Burglary	6,665	2	14	63	38	2	927	717	5,302
Criminal Mischief Tamp.	2,390	...	1	4	6	...	310	162	1,907
Grand Larceny	5,635	7	22	15	8	1	407	680	4,495
Robbery	1,135	10	26	2	1	6	55	130	905
Crim. Poss. Stolen Property	1,365	...	1	11	10	3	174	80	1,086
Controlled Substance Offense	1,460	...	2	...	...	...	217	73	1,168
Marijuana Possession Sale	25	...	3	...	...	...	4	...	18
Weapon Offenses	465	...	3	...	...	...	56	35	371
Other Felonies	1,920	99	34	8	10	1	117	135	1,516
Misdemeanors									
Assault or Related Offenses	3,770	47	160	49	13	2	147	357	2,995
Crim. Trespass Burg. or Rel. Offenses	1,735	...	1	10	5	2	265	70	1,382
Crim. Mischief Tamp. Reck. End. Prep.	3,335	2	6	32	13	2	471	156	2,653
Petit Larceny	6,585	6	20	37	9	1	1,070	197	5,245
Theft & Related Offenses	2,735	2	10	40	19	2	350	128	2,184
Controlled Substance Offenses	365	...	...	...	...	...	55	18	292
Marijuana Possession Sale	355	...	1	...	...	...	55	15	284
Riot Harass. Loitering	375	3	2	7	3	...	33	28	299
Unlawful Possession Weapon	300	...	1	...	1	...	40	18	240
Weapon Offenses	195	2	...	...	1	...	24	12	156
Other Misdemeanors	1,315	32	42	5	...	1	129	65	1,041
Total	45,525	221	391	293	141	24	5,056	3,143	36,256

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applicable*	Not Available	Not Reported
Total New York City									
Felonies									
Assault or Related Offenses	2,445	1	6	...	...	...	93	389	1,956
Homicide	30	...	...	...	...	...	1	5	24
Criminal Trespass Burglary	1,725	...	...	...	...	...	206	139	1,380
Criminal Mischief Tamp.	1,165	...	...	...	...	...	119	114	932
Grand Larceny	4,465	3	2	...	...	...	288	600	3,572
Robbery	690	...	2	...	...	...	24	112	552
Crim. Poss. Stolen Property	710	...	...	...	...	1	90	51	568
Controlled Substance Offense	1,220	...	...	...	...	...	173	71	976
Marijuana Possession Sale	10	...	...	...	...	...	2	...	8
Weapon Offenses	380	...	1	...	...	...	43	32	304
Other Felonies	750	11	3	...	...	...	33	103	600
Misdemeanors									
Assault or Related Offenses	1,210	...	1	2	...	...	58	182	967
Crim. Trespass Burg. or Rel. Offenses	510	...	...	...	...	...	71	31	408
Crim. Mischief Tamp. Reck. End. Prep.	1,100	...	1	...	...	1	145	73	880
Petit Larceny	745	...	...	...	...	...	103	46	596
Theft & Related Offenses	560	...	...	...	...	...	77	36	447
Controlled Substance Offenses	275	...	...	...	...	...	37	18	220
Marijuana Possession Sale	230	...	...	...	...	...	31	15	184
Riot Harass. Loitering	20	...	...	...	...	...	3	1	16
Unlawful Possession Weapon	135	...	...	...	...	...	16	11	108
Weapon Offenses	120	...	...	...	...	...	15	9	96
Other Misdemeanors	260	1	5	...	...	...	18	28	208
Total	18,755	16	21	2	...	2	1,646	2,066	15,002

* No Victims

NOTE: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-46
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Age Of Alleged Victims by Crime Alleged

1987

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applicable*	Not Available	Not Reported
Total Outside New York City									
Felonies									
Assault or Related Offenses	895	7	36	10	3	1	52	73	713
Homicide	30	1	...	...	1	...	4	...	24
Criminal Trespass/Burglary	4,940	2	14	63	38	2	721	178	3,922
Criminal Mischief/Tamp.	1,225	...	1	4	6	...	191	48	975
Grand Larceny	1,170	4	20	15	8	1	119	80	923
Robbery	445	10	24	2	1	6	31	18	353
Crim. Poss. Stolen Property	655	...	1	11	10	2	84	29	518
Controlled Substance Offense	240	...	2	...	...	...	44	2	192
Marijuana Possession/Sale	15	...	3	...	...	...	2	...	10
Weapon Offenses	85	...	2	...	...	...	13	3	67
Other Felonies	1,170	88	31	8	10	1	84	32	916
Misdemeanors									
Assault or Related Offenses	2,560	47	159	47	13	2	89	175	2,028
Crim. Trespass/Burg. or Rel. Offenses	1,225	...	1	10	5	2	194	39	974
Crim. Mischief/Tamp./Reck. End. Prep.	2,235	2	5	32	13	1	326	83	1,773
Petit Larceny	5,840	6	20	37	9	1	967	151	4,649
Theft & Related Offenses	2,175	2	10	40	19	2	273	92	1,737
Controlled Substance Offenses	90	...	...	...	...	...	18	...	72
Marijuana Possession/Sale	125	...	1	...	...	...	24	...	100
Riot/Harass./Loitering	355	3	2	7	3	...	30	27	283
Unlawful Possession Weapon	165	...	1	...	1	...	24	7	132
Weapon Offenses	75	2	...	...	1	...	9	3	60
Other Misdemeanors	1,055	31	37	5	...	1	111	37	833
Total	26,770	205	370	291	141	22	3,410	1,077	21,254

* No Victims

NOTE: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-47
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Adjournments From Filing Petition To Completion Of Fact-Finding Hearing
1987

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	9,104	1,740	1,525	988	671	436	249	292	3,203
Total New York City	3,751	212	493	476	411	290	183	227	1,459
New York	1,086	81	178	127	82	51	37	45	485
Kings	1,546	73	118	151	200	169	107	135	593
Queens	666	35	120	139	74	35	26	27	210
Bronx	276	11	41	34	35	15	7	17	116
Richmond	177	12	36	25	20	20	6	3	55
Total Upstate	5,353	1,528	1,032	512	260	146	66	65	1,744
Albany	264	60	112	43	29	11	5	4	...
Allegany	44	14	12	9	3	2	...	...	4
Broome	157	121	22	4	...	...	...	...	10
Cattaraugus	67	34	9	1	1	...	...	...	22
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	74	38	16	7	...	2	...	...	11
Chemung	160	141	9	3	2	1	...	1	3
Chenango	12	12	...	...	...	...	...	...	...
Clinton	24	6	6	...	...	...	...	...	12
Columbia	17	8	3	1	...	...	...	...	5
Cortland	13	6	5	...	...	1	...	...	1
Delaware	3	...	3	...	...	...	...	...	...
Dutchess	120	42	17	24	11	3	2	1	20
Erie	422	85	80	48	15	9	3	3	179
Essex	10	7	2	...	...	...	...	...	1
Franklin	23	11	3	...	...	...	...	...	9
Fulton	20	14	3	...	...	...	...	...	3
Genesee	60	9	20	8	1	4	2	2	14
Greene	4	2	...	1	...	...	...	...	1
Hamilton	1	...	1	...	...	...	...	...	...
Herkimer	24	4	6	8	3	1	1	1	...
Jefferson	79	21	9	3	5	2	2	2	35
Lewis	10	10	...	...	...	...	...	...	...
Livingston	22	14	3	1	2	2	...	...	...
Madison	25	5	3	1	...	...	...	...	16
Monroe	468	104	34	61	51	28	11	18	161
Montgomery	30	2	9	13	3	...	1	...	2
Nassau	680	131	144	73	35	22	4	6	265
Niagara	115	42	31	14	2	2	...	1	23
Oneida	123	16	30	19	14	8	9	2	25
Onondaga	564	34	61	34	26	21	7	4	377
Ontario	40	19	9	6	5	1	...	...	...
Orange	147	25	50	26	6	1	3	2	34
Orleans	20	3	8	2	...	...	...	...	7
Oswego	59	20	39	...	...	...	...	...	...
Otsego	8	7	...	1	...	...	...	...	...
Putman	26	10	4	1	2	...	...	...	9
Rensselaer	162	37	26	11	5	2	4	3	74
Rockland	79	5	17	11	6	5	2	3	30
St. Lawrence	15	7	3	1	...	...	...	...	4
Saratoga	140	73	27	12	2	3	1	...	22
Schenectady	10	6	3	1	...	...	...	...	...
Schoharie	10	4	2	...	...	...	...	...	4
Schuyler	4	1	...	...	...	...	...	...	3
Seneca	19	4	6	5	3	...	...	...	1
Steuben	56	31	8	1	3	...	...	...	13
Suffolk	302	50	48	13	8	6	4	11	162
Sullivan	78	59	16	1	...	...	...	...	2
Tioga	17	4	6	5	...	...	...	...	2
Tompkins	17	3	1	3	3	1	...	...	6
Ulster	168	58	35	6	...	...	1	...	68
Warren	43	28	7	3	1	...	...	...	4
Washington	45	31	4	...	...	...	...	...	10
Wayne	87	6	22	15	6	3	1	1	33
Westchester	121	28	28	11	7	5	3	...	39
Wyoming	32	9	4	1	...	...	...	...	18
Yates	13	7	6	...	...	...	...	...	...

*Disposed before fact-finding

Table A-48
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Adjournments From Completion Of Fact-Finding Hearing To Completion Of Dispositional Hearing
1987

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	9,105	2,364	1,856	693	391	249	153	186	3,213
Total New York City	3,751	809	641	326	205	128	88	94	1,460
New York	1,086	210	166	85	60	34	26	21	484
Kings	1,546	326	280	128	82	56	37	46	591
Queens	666	182	118	71	33	24	13	12	213
Bronx	276	42	39	28	21	6	10	12	118
Richmond	177	49	38	14	9	8	2	3	54
Total Upstate	5,354	1,555	1,215	367	186	121	65	92	1,753
Albany	264	35	107	50	31	23	9	9	...
Allegany	44	18	15	3	1	...	...	...	7
Broome	157	114	22	10	6	...	...	...	5
Cattaraugus	67	11	28	7	...	...	...	...	21
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	74	11	50	1	1	...	...	...	11
Chemung	160	141	9	5	2	...	...	...	3
Chenango	12	10	2	...	...	...	...	...	...
Clinton	24	8	4	...	...	...	...	...	12
Columbia	17	7	4	1	...	...	...	...	5
Cortland	13	7	4	...	...	...	...	...	2
Delaware	3	2	1	...	...	...	...	...	...
Dutchess	120	37	29	17	9	4	2	2	20
Erie	422	180	51	8	2	...	...	2	179
Essex	10	4	4	1	...	...	...	...	1
Franklin	23	1	11	...	2	...	...	...	9
Fulton	20	3	13	1	...	...	...	...	3
Genesee	60	16	23	2	1	2	...	...	16
Greene	4	2	...	1	...	...	...	...	1
Hamilton	1	1	...	...	...	...	...	...	...
Herkimer	24	11	6	4	...	3	...	...	...
Jefferson	79	35	3	4	1	1	...	...	35
Lewis	10	7	3	...	...	...	...	...	...
Livingston	22	22	...	...	...	...	...	...	...
Madison	25	8	1	...	...	...	...	...	16
Monroe	469	104	92	36	25	22	14	14	162
Montogmery	30	1	16	5	3	1	1	1	2
Nassau	680	157	109	47	32	19	14	37	265
Niagara	115	57	29	5	1	...	...	...	23
Oneida	123	17	55	20	3	...	1	1	26
Onondaga	564	37	81	32	13	17	5	5	374
Ontario	40	24	8	2	4	1	1	...	...
Orange	147	78	15	11	5	3	1	...	34
Orleans	20	3	8	2	...	...	...	...	7
Oswego	59	20	39	...	...	...	...	...	...
Otsego	8	7	1	...	...	...	...	...	...
Putman	26	7	6	1	2	...	...	...	10
Rensselaer	162	36	33	9	6	1	1	2	74
Rockland	79	13	17	6	4	1	2	2	34
St. Lawrence	15	10	...	1	...	...	...	..	4
Saratoga	140	25	58	24	7	1	...	...	25
Schenectady	10	10	...	...	...	...	...	...	...
Schoharie	10	1	5	...	...	...	...	...	4
Schuyler	4	1	...	...	...	...	...	...	3
Seneca	19	9	9	1	...	...	...	...	...
Steuben	56	22	16	2	2	...	...	...	14
Suffolk	302	43	43	15	9	8	8	13	163
Sullivan	78	61	15	...	...	...	...	...	2
Tioga	17	4	8	3	...	...	...	...	2
Tompkins	17	5	1	3	...	2	...	...	6
Ulster	168	33	64	3	1	...	1	...	66
Warren	43	15	17	2	2	1	1	...	5
Washington	45	26	6	3	...	...	...	...	10
Wayne	87	6	23	6	4	7	3	3	35
Westchester	121	26	34	10	7	3	1	1	39
Wyoming	32	5	8	1	...	...	...	..	18
Yates	13	1	9	2	...	1	...	...	...

*Disposed before fact-finding

Table A-49
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Age Of Boys When Act Committed
1987

Location	Total	7-9	10-12	13-15	15 or More
Total New York State	8,024	109	852	6,890	173
Total New York City	3,463	28	276	3,067	92
New York	988	9	93	846	40
Kings	1,430	9	129	1,272	20
Queens	625	2	23	579	21
Bronx	257	7	20	221	9
Richmond	163	1	11	149	2
Total Upstate	4,561	81	576	3,823	81
Albany	223	8	46	165	4
Allegany	43	1	11	29	2
Broome	136	3	28	101	4
Cattaraugus	60	2	7	51	...
Cayuga	...	...	...	...	...
Chautauqua	63	1	3	59	...
Chemung	121	8	26	87	...
Chenango	10	...	3	7	...
Clinton	24	2	10	12	...
Columbia	15	1	...	14	...
Cortland	11	...	1	8	2
Delaware	2	...	...	2	...
Dutchess	96	2	10	80	4
Erie	332	8	36	286	2
Essex	10	...	...	10	...
Franklin	22	...	1	21	...
Fulton	17	...	2	15	...
Genesee	53	2	4	47	...
Greene	4	...	...	4	...
Hamilton	1	...	...	1	...
Herkimer	21	...	3	18	...
Jefferson	66	...	6	59	1
Lewis	10	...	3	7	...
Livingston	18	...	1	16	1
Madison	23	3	2	16	2
Monroe	399	6	45	343	5
Montgomery	22	...	4	17	1
Nassau	599	2	50	538	9
Niagara	99	1	8	90	...
Oneida	108	...	12	96	...
Onondaga	484	13	65	401	5
Ontario	35	3	6	26	...
Orange	125	...	16	109	...
Orleans	19	...	1	16	2
Oswego	53	...	12	41	...
Otsego	8	...	2	6	...
Putman	24	...	4	20	...
Rensselaer	140	2	31	107	...
Rockland	67	3	8	55	1
St. Lawrence	13	...	1	12	...
Saratoga	115	...	24	90	1
Schenectady	6	...	...	5	1
Schoharie	8	...	...	8	...
Schuyler	1	...	...	1	...
Seneca	17	...	1	16	...
Steuben	46	...	3	43	...
Suffolk	256	6	26	194	30
Sullivan	61	...	3	57	1
Tioga	14	...	2	12	...
Tompkins	13	...	5	8	...
Ulster	143	2	20	121	...
Warren	39	...	2	37	...
Washington	40	...	3	37	...
Wayne	83	1	8	74	...
Westchester	106	1	9	93	3
Wyoming	27	...	2	25	...
Yates	10	...	...	10	...

Table A-50
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Age Of Girls When Act Committed
1987

Location	Total	7-9	10-12	13-15	15 or More
Total New York State	1,141	11	104	1,002	24
Total New York City	329	2	21	299	7
New York	110	...	10	95	5
Kings	125	...	7	118	...
Queens	57	...	1	54	2
Bronx	22	2	3	17	...
Richmond	15	...	...	15	...
Total Upstate	812	9	83	703	17
Albany	42	...	2	39	1
Allegany	1	...	...	...	1
Broome	21	...	2	18	1
Cattaraugus	7	...	1	6	...
Cayuga	...	...	...	...	...
Chautauqua	11	...	1	10	...
Chemung	39	...	8	31	...
Chenango	2	...	...	1	1
Clinton	...	...	...	...	...
Columbia	2	...	1	1	...
Cortland	2	...	1	...	1
Delaware	1	...	...	1	...
Dutchess	24	...	6	17	1
Erie	94	...	9	85	...
Essex	...	...	...	...	...
Franklin	1	...	...	1	...
Fulton	3	...	...	3	...
Genesee	7	...	...	7	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	3	...	...	3	...
Jefferson	13	...	2	11	...
Lewis	...	...	...	...	...
Livingston	4	...	...	4	...
Madison	2	...	...	2	...
Monroe	74	1	13	59	1
Montgomery	8	...	1	7	...
Nassau	85	...	6	77	2
Niagara	16	...	...	16	...
Oneida	15	...	2	13	...
Onondaga	83	1	4	78	...
Ontario	5	1	...	4	...
Orange	22	...	8	14	...
Orleans	1	...	...	1	...
Oswego	6	...	1	5	...
Otsego	...	...	...	...	...
Putman	2	...	...	2	...
Rensselaer	24	1	2	21	...
Rockland	12	1	1	9	1
St. Lawrence	2	...	...	2	...
Saratoga	25	...	2	23	...
Schenectady	4	...	...	4	...
Schoharie	2	...	...	2	...
Schuyler	3	...	1	2	...
Seneca	2	...	...	2	...
Steuben	10	...	...	10	...
Suffolk	46	4	2	36	4
Sullivan	17	...	...	15	2
Tioga	3	...	...	3	...
Tompkins	4	...	...	4	...
Ulster	26	...	6	20	...
Warren	4	...	...	4	...
Washington	5	...	1	4	...
Wayne	4	...	...	4	...
Westchester	15	...	...	14	1
Wyoming	5	...	...	5	...
Yates	3	...	...	3	...

Table A-51
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Type of Petition
1987

Location	Total	Original JD Petition	JD Petition Substituted For DF Pettion
Total New York State	9,165	9,101	64
Total New York City	3,792	3,746	46
New York	1,098	1,082	16
Kings	1,555	1,544	11
Queens	682	664	18
Bronx	279	278	1
Richmond	178	178	...
Total Upstate	5,373	5,355	18
Albany	265	265	...
Allegany	44	44	...
Broome	157	154	3
Cattaraugus	67	67	...
Cayuga	...	...	...
Chautauqua	74	74	...
Chemung	160	160	...
Chenango	12	12	...
Clinton	24	24	...
Columbia	17	17	...
Cortland	13	13	...
Delaware	3	3	...
Dutchess	120	120	...
Erie	426	425	1
Essex	10	10	...
Franklin	23	23	...
Fulton	20	20	...
Genesee	60	59	1
Greene	4	4	...
Hamilton	1	1	...
Herkimer	24	24	...
Jefferson	79	79	...
Lewis	10	10	...
Livingston	22	22	...
Madison	25	25	...
Monroe	473	473	...
Montgomery	30	30	...
Nassau	684	678	6
Niagara	115	115	...
Oneida	123	123	...
Onondaga	567	566	1
Ontario	40	40	...
Orange	147	147	...
Orleans	20	19	1
Oswego	59	59	...
Otsego	8	8	...
Putman	26	26	...
Rensselaer	164	163	1
Rockland	79	79	...
St. Lawrence	15	15	...
Saratoga	140	138	2
Schenectady	10	10	...
Schoharie	10	10	...
Schuyler	4	4	...
Seneca	19	19	...
Steuben	56	55	1
Suffolk	302	302	...
Sullivan	78	78	...
Tioga	17	17	...
Tompkins	17	17	...
Ulster	169	168	1
Warren	43	43	...
Washington	45	45	...
Wayne	87	87	...
Westchester	121	121	...
Wyoming	32	32	...
Yates	13	13	...

Table A-52
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Origin Of Case
1987

Location	Total	Family Court This County	Family Court Another County	Removal By Local Criminal Court	Removal By Grand Jury	Removal By Supreme or County Court Before Adjudication	Removal By Supreme or County Court Before Sentence
Total New York State	9,165	8,872	233	38	4	10	8
Total New York City	3,792	3,604	147	27	3	7	4
New York	1,098	1,061	25	9	...	2	1
Kings	1,555	1,472	74	5	2	1	1
Queens	682	626	40	11	...	4	1
Bronx	279	275	1	2	...	...	1
Richmond	178	170	7	...	1	...	...
Total Upstate	5,373	5,268	86	11	1	3	4
Albany	265	258	6	1	...	...	...
Allegany	44	44	...	...	...	...	...
Broome	157	156	1	...	...	...	...
Cattaraugus	67	66	1	...	...	...	...
Cayuga	...	...	...	...	...	...	...
Chautauqua	74	72	2	...	...	...	...
Chemung	160	160	...	...	...	...	...
Chenango	12	12	...	...	...	...	...
Clinton	24	24	...	...	...	...	...
Columbia	17	17	...	...	...	...	...
Cortland	13	13	...	...	...	...	...
Delaware	3	3	...	...	...	...	...
Dutchess	120	120	...	...	...	...	...
Erie	426	420	2	2	1	...	1
Essex	10	8	2	...	...	...	...
Franklin	23	22	1	...	...	...	...
Fulton	20	20	...	...	...	...	...
Genesee	60	59	1	...	...	...	...
Greene	4	4	...	...	...	...	...
Hamilton	1	1	...	...	...	...	...
Herkimer	24	24	...	...	...	...	...
Jefferson	79	79	...	...	...	...	...
Lewis	10	10	...	...	...	...	...
Livingston	22	21	1	...	...	...	...
Madison	25	23	2	...	...	...	...
Monroe	473	462	7	3	...	...	1
Montgomery	30	30	...	...	...	...	...
Nassau	684	675	5	4	...	...	...
Niagara	115	111	4	...	...	...	...
Oneida	123	122	1	...	...	...	...
Onondaga	567	554	10	1	...	2	...
Ontario	40	38	2	...	...	...	...
Orange	147	144	3	...	...	...	...
Orleans	20	20	...	...	...	...	...
Oswego	59	59	...	...	...	...	...
Otsego	8	8	...	...	...	...	...
Putman	26	26	...	...	...	...	...
Rensselaer	164	158	4	...	...	...	2
Rockland	79	78	1	...	...	...	...
St. Lawrence	15	15	...	...	...	...	...
Saratoga	140	136	4	...	...	...	...
Schenectady	10	10	...	...	...	...	...
Schoharie	10	10	...	...	...	...	...
Schuyler	4	2	2	...	...	...	...
Seneca	19	18	1	...	...	...	...
Steuben	56	55	1	...	...	...	...
Suffolk	302	299	3	...	...	...	...
Sullivan	78	75	3	...	...	...	...
Tioga	17	14	3	...	...	...	...
Tompkins	17	16	1	...	...	...	...
Ulster	169	165	3	...	...	1	...
Warren	43	41	2	...	...	...	...
Washington	45	44	1	...	...	...	...
Wayne	87	85	2	...	...	...	...
Westchester	121	118	3	...	...	...	...
Wyoming	32	31	1	...	...	...	...
Yates	13	13	...	...	...	...	...

Table A-53
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Presentment Agency
1987

Location	Total	County Attorney	Corporation Counsel	District Attorney	Other
Total New York State	9,165	5,381	3,652	68	64
Total New York City	3,792	84	3,641	61	6
New York	1,098	18	1,061	17	2
Kings	1,555	33	1,506	14	2
Queens	682	18	636	27	1
Bronx	279	9	267	3	...
Richmond	178	6	171	...	1
Total Upstate	5,373	5,297	11	7	58
Albany	265	264	...	1	...
Allegany	44	44	...	...	...
Broome	157	156	1	...	...
Cattaraugus	67	67	...	...	...
Cayuga	...	...	...	...	...
Chautauqua	74	74	...	...	...
Chemung	160	159	1	...	...
Chenango	12	12	...	...	...
Clinton	24	24	...	...	...
Columbia	17	17	...	...	...
Cortland	13	13	...	...	...
Delaware	3	3	...	...	...
Dutchess	120	120	...	...	...
Erie	426	419	...	...	7
Essex	10	10	...	...	...
Franklin	23	23	...	...	...
Fulton	20	20	...	...	...
Genesee	60	60	...	...	...
Greene	4	4	...	...	...
Hamilton	1	1	...	...	...
Herkimer	24	24	...	...	...
Jefferson	79	79	...	...	...
Lewis	10	10	...	...	...
Livingston	22	22	...	...	...
Madison	25	23	...	2	...
Monroe	473	471	2	...	...
Montgomery	30	30	...	...	...
Nassau	684	681	2	...	1
Niagara	115	113	2	...	...
Oneida	123	123	...	...	...
Onondaga	567	565	...	2	...
Ontario	40	40	...	...	...
Orange	147	147	...	...	...
Orleans	20	19	1	...	...
Oswego	59	59	...	...	...
Otsego	8	8	...	...	...
Putman	26	26	...	...	...
Rensselaer	164	163	...	...	1
Rockland	79	78	...	...	1
St. Lawrence	15	15	...	...	...
Saratoga	140	94	1	...	45
Schenectady	10	10	...	...	...
Schoharie	10	10	...	...	...
Schuyler	4	4	...	...	...
Seneca	19	19	...	...	...
Steuben	56	56	...	...	...
Suffolk	302	299	...	...	3
Sullivan	78	78	...	...	...
Tioga	17	17	...	...	...
Tompkins	17	17	...	...	...
Ulster	169	166	1	2	...
Warren	43	43	...	...	...
Washington	45	45	...	...	...
Wayne	87	87	...	...	...
Westchester	121	121	...	...	...
Wyoming	32	32	...	...	...
Yates	13	13	...	...	...

Table A-54
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Legal Representation
1987

Location	Total	Law Guardian Panel	Legal Aid Society	Private Retained	None
Total New York State	9,165	5,617	2,873	595	80
Total New York City	3,792	990	2,525	222	55
New York	1,098	335	702	21	40
Kings	1,555	256	1,214	77	8
Queens	682	208	387	83	4
Bronx	279	135	131	10	3
Richmond	178	56	91	31	...
Total Upstate	5,373	4,627	348	373	25
Albany	265	251	...	13	1
Allegany	44	44	...	...	...
Broome	157	156	...	...	1
Cattaraugus	67	67	...	...	...
Cayuga	...	...	...	...	...
Chautauqua	74	74	...	...	...
Chemung	160	160	...	...	...
Chenango	12	10	...	2	...
Clinton	24	24	...	...	...
Columbia	17	17	...	...	...
Cortland	13	13	...	...	...
Delaware	3	3	...	...	...
Dutchess	120	116	1	3	...
Erie	426	419	3	4	...
Essex	10	9	...	1	...
Franklin	23	23	...	...	...
Fulton	20	19	...	1	...
Genesee	60	59	...	1	...
Greene	4	4	...	...	...
Hamilton	1	1	...	...	...
Herkimer	24	23	...	1	...
Jefferson	79	79	...	...	...
Lewis	10	10	...	...	...
Livingston	22	21	...	1	...
Madison	25	20	...	1	4
Monroe	473	164	263	44	2
Montgomery	30	29	...	1	...
Nassau	684	519	8	153	4
Niagara	115	106	1	8	...
Oneida	123	122	...	1	...
Onondaga	567	553	1	13	...
Ontario	40	36	...	3	1
Orange	147	68	66	13	...
Orleans	20	19	1	...	...
Oswego	59	59	...	...	...
Otsego	8	7	...	1	...
Putman	26	24	...	2	...
Rensselaer	164	163	...	1	...
Rockland	79	71	...	8	...
St. Lawrence	15	13	...	1	1
Saratoga	140	132	...	8	...
Schenectady	10	10	...	...	...
Schoharie	10	10	...	...	...
Schuyler	4	4	...	...	...
Seneca	19	19	...	...	...
Steuben	56	55	1	...	...
Suffolk	302	216	3	74	9
Sullivan	78	74	...	4	...
Tioga	17	17	...	...	...
Tompkins	17	17	...	...	...
Ulster	169	167	...	1	1
Warren	43	40	...	3	...
Washington	45	44	...	1	...
Wayne	87	87	...	...	...
Westchester	121	118	...	3	...
Wyoming	32	29	...	2	1
Yates	13	13	...	...	...

Table A-55

FAMILY COURT

Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Restitution Or Public Service Recommended Or Ordered

1987

Location	Total	Rest. or Public Service Recomm. or Ordered	Rest. or Public Service Not Recomm. or Ordered
Total New York State	9,165	1,149	8,016
Total New York City	3,792	147	3,645
New York	1,098	13	1,085
Kings	1,555	60	1,495
Queens	682	60	622
Bronx	279	8	271
Richmond	178	6	172
Total Upstate	5,373	1,002	4,371
Albany	265	46	219
Allegany	44	13	31
Broome	157	47	110
Cattaraugus	67	14	53
Cayuga	...	...	...
Chautauqua	74	23	51
Chemung	160	27	133
Chenango	12	4	8
Clinton	24	14	10
Columbia	17	3	14
Cortland	13	1	12
Delaware	3	...	3
Dutchess	120	22	98
Erie	426	65	361
Essex	10	2	8
Franklin	23	7	16
Fulton	20	4	16
Genesee	60	18	42
Greene	4	...	4
Hamilton	1	...	1
Herkimer	24	3	21
Jefferson	79	15	64
Lewis	10	10	...
Livingston	22	6	16
Madison	25	8	17
Monroe	473	69	404
Montgomery	30	9	21
Nassau	684	26	658
Niagara	115	30	85
Oneida	123	19	104
Onondaga	567	130	437
Ontario	40	6	34
Orange	147	34	113
Orleans	20	3	17
Oswego	59	27	32
Otsego	8	2	6
Putman	26	8	18
Rensselaer	164	56	108
Rockland	79	27	52
St. Lawrence	15	7	8
Saratoga	140	26	114
Schenectady	10	...	10
Schoharie	10	2	8
Schuyler	4	...	4
Seneca	19	10	9
Steuben	56	5	51
Suffolk	302	20	282
Sullivan	78	19	59
Tioga	17	7	10
Tompkins	17	7	10
Ulster	169	12	157
Warren	43	24	19
Washington	45	12	33
Wayne	87	25	62
Westchester	121	10	111
Wyoming	32	15	17
Yates	13	3	10

Table A-56
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Children Released And Detained Before Petition Filed
1987

Location	Total	Note Released Pursuant to 307.4	Released Pursuant to 307.4	Not Applicable*
Total New York State	9,164	518	143	8,503
Total New York City	3,791	208	110	3,473
New York	1,098	81	93	924
Kings	1,555	19	7	1,529
Queens	682	58	8	616
Bronx	279	46	1	232
Richmond	177	4	1	172
Total Upstate	5,373	310	33	5,030
Albany	265	...	...	265
Allegany	44	2	...	42
Broome	157	2	...	155
Cattaraugus	67	1	...	66
Cayuga	...	...	...	...
Chautauqua	74	...	...	74
Chemung	160	5	...	155
Chenango	12	...	...	12
Clinton	24	...	1	23
Columbia	17	3	...	14
Cortland	13	1	...	12
Delaware	3	...	...	3
Dutchess	120	2	1	117
Erie	426	2	6	418
Essex	10	...	...	10
Franklin	23	...	...	23
Fulton	20	...	2	18
Genesee	60	7	...	53
Greene	4	...	...	4
Hamilton	1	...	...	1
Herkimer	24	...	...	24
Jefferson	79	...	...	79
Lewis	10	1	...	9
Livingston	22	2	...	20
Madison	25	...	...	25
Monroe	473	...	1	472
Montgomery	30	...	1	29
Nassau	684	183	4	497
Niagara	115	6	2	107
Oneida	123	3	...	120
Onondaga	567	50	8	509
Ontario	40	5	...	35
Orange	147	3	1	143
Orleans	20	3	...	17
Oswego	59	1	...	58
Otsego	8	...	...	8
Putman	26	3	...	23
Rensselaer	164	1	1	162
Rockland	79	...	1	78
St. Lawrence	15	...	...	15
Saratoga	140	...	1	139
Schenectady	10	...	...	10
Schoharie	10	1	1	8
Schuyler	4	...	...	4
Seneca	19	...	...	19
Steuben	56	1	...	55
Suffolk	302	3	...	299
Sullivan	78	4	...	74
Tioga	17	...	...	17
Tompkins	17	1	...	16
Ulster	169	3	1	165
Warren	43	1	...	42
Washington	45	1	...	44
Wayne	87	1	...	86
Westchester	121	5	1	115
Wyoming	32	...	...	32
Yates	13	3	...	10

*Respondent not detained

Table A-57
FAMILY COURT
Juvenile Delinquency (Excluding Designated Felony) Petitions: Children Released And Detained After Petition Filed:
1987

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181 or More Days	Not Detained
Total New York State	9,165	595	239	224	222	455	65	11	7,354
Total New York City	3,792	357	127	95	110	155	35	6	2,907
New York	1,098	146	27	32	49	50	8	1	785
Kings	1,555	135	64	36	31	48	7	4	1,230
Queens	682	26	12	14	15	30	15	1	569
Bronx	279	35	16	8	13	16	3	...	188
Richmond	178	15	8	5	2	11	2	...	135
Total Upstate	5,373	238	112	129	112	300	30	5	4,447
Albany	265	1	5	7	17	19	4	...	212
Allegany	44	1	...	2	1	2	1	...	37
Broome	157	...	1	1	5	5	2	...	143
Cattaraugus	67	1	...	3	1	1	...	...	61
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	74	...	...	...	...	...	...	...	74
Chemung	160	...	2	2	1	7	1	...	147
Chenango	12	...	...	...	1	...	...	...	11
Clinton	24	1	3	...	...	...	...	...	20
Columbia	17	1	...	...	1	...	...	...	15
Cortland	13	...	...	1	2	1	...	...	9
Delaware	3	...	...	...	...	...	...	1	2
Dutchess	120	...	5	3	1	7	...	...	104
Erie	426	32	12	6	8	17	2	...	349
Essex	10	...	...	...	...	...	...	...	10
Franklin	23	...	...	...	3	...	...	...	20
Fulton	20	1	...	...	...	...	...	...	19
Genesee	60	1	3	1	...	2	...	...	53
Greene	4	...	...	1	...	...	...	...	3
Hamilton	1	...	...	...	...	...	...	...	1
Herkimer	24	...	1	...	...	...	...	...	23
Jefferson	79	1	...	1	...	6	...	1	70
Lewis	10	...	...	...	...	1	...	...	9
Livingston	22	...	...	...	2	...	...	...	20
Madison	25	...	...	1	...	2	1	...	21
Monroe	473	47	15	32	26	63	9	2	279
Montgomery	30	1	...	2	...	...	...	...	27
Nassau	684	111	15	13	12	69	1	...	463
Niagara	115	2	2	1	...	2	...	...	108
Oneida	123	2	5	4	2	7	...	...	103
Onondaga	567	12	11	17	10	30	7	...	480
Ontario	40	1	1	3	1	1	...	...	33
Orange	147	1	4	4	2	4	...	...	132
Orleans	20	...	...	4	...	1	...	...	15
Oswego	59	...	...	...	...	...	...	...	59
Otsego	8	...	1	...	...	...	...	...	7
Putman	26	...	...	...	...	1	...	...	25
Rensselaer	164	1	5	4	5	5	...	...	144
Rockland	79	2	1	4	...	6	...	1	65
St. Lawrence	15	1	...	...	...	1	...	...	13
Saratoga	140	...	...	2	...	...	...	...	138
Schenectady	10	...	...	...	...	...	...	...	10
Schoharie	10	1	...	1	...	...	...	...	8
Schuyler	4	...	...	...	...	...	...	...	4
Seneca	19	1	...	...	...	...	...	...	18
Steuben	56	...	4	...	...	4	...	...	48
Suffolk	302	3	...	1	4	1	1	...	292
Sullivan	78	2	2	1	...	...	...	...	73
Tioga	17	...	1	...	1	1	...	...	14
Tompkins	17	1	...	...	...	2	...	...	14
Ulster	169	...	6	...	...	2	...	...	161
Warren	43	1	1	2	3	3	...	...	33
Washington	45	...	1	1	...	...	...	...	43
Wayne	87	4	...	1	...	12	...	...	70
Westchester	121	4	3	...	3	13	1	...	97
Wyoming	32	...	...	...	...	1	...	...	31
Yates	13	...	2	3	...	1	...	...	7

Table A-58
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Days From Filing Petition To Completion Of Fact-Finding Hearing
1987

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applicable*
Total New York State	60	7	1	...	2	6	15	2	1	...	26
Total New York City	41	3	1	...	1	3	11	1	1	...	20
New York	12	...	...	...	1	1	2	...	1	...	7
Kings	9	2	...	...	...	1	5	...	...	...	1
Queens	16	1	1	...	...	1	4	1	...	...	8
Bronx	3	...	...	...	...	...	...	...	...	...	3
Richmond	1	...	...	...	...	...	...	...	...	...	1
Total Upstate	19	4	...	...	1	3	4	1	...	...	6
Albany	1	...	...	...	...	...	...	...	...	...	1
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	
Chautauqua	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...	...
Erie	4	1	...	...	1	...	1	...	...	...	1
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...
Monroe	4	...	...	...	...	...	2	...	...	...	2
Montgomery	...	...	...	...	...	...	...	...	...	...	...
Nassau	4	2	...	...	...	2	...	...	...	...	...
Niagara	...	...	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...	...
Onondaga	3	1	...	...	...	1	1	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	2	...	...	...	...	...	...	...	...	...	2
Rockland	...	...	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...
Suffolk	...	...	...	...	...	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...	...	...
Ulster	1	...	...	...	...	...	...	1	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...

*Disposed before fact-finding

Table A-59
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Days From Completion Of Fact-Finding Hearing To Completion Of Dispositional Hearing
1987

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applicable*
Total New York State	60	8	...	...	1	16	5	3	1	...	26
Total New York City	41	4	...	...	1	9	3	3	1	...	20
New York	12	...	...	...	...	5	...	...	...	...	7
Kings	9	2	...	...	...	2	1	3	...	...	1
Queens	16	2	...	...	1	2	2	...	1	...	8
Bronx	3	...	...	...	...	...	...	...	...	...	3
Richmond	1	...	...	...	...	...	...	...	...	...	1
Total Upstate	19	4	...	...	...	7	2	...	...	...	6
Albany	1	...	...	...	...	...	...	...	...	...	1
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...	...
Erie	4	1	...	...	...	1	1	...	...	...	1
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...
Monroe	4	1	...	...	...	1	...	...	...	...	2
Montgomery	...	...	...	...	...	...	...	...	...	...	...
Nassau	4	1	...	...	...	2	1	...	...	...	...
Niagara	...	...	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...	...
Onondaga	3	...	...	...	...	3	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	2	...	...	...	...	...	...	...	...	...	2
Rockland	...	...	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...
Suffolk	...	...	...	...	...	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...	...	...
Ulster	1	1	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...

*Disposed before fact-finding

Table A-60
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Outcome Of Fact-Finding
1987

Location	Total	Allegation Established in Whole or in Part After Fact-Finding Hearing	Allegation Established in Whole or In Part By Admission	Allegation Not Established After Fact-Finding Hearing	Not Applicable*	Not Applicable JO Removed For Disposition Only
Total New York State	60	7	26	1	19	7
Total New York City	41	5	16	...	17	3
New York	12	2	3	...	6	1
Kings	9	...	8	...	...	1
Queens	16	3	5	...	8	...
Bronx	3	...	...	...	2	1
Richmond	1	...	...	...	1	...
Total Upstate	19	2	10	1	2	4
Albany	1	...	...	...	1	...
Allegany	...	...	...	...	...	...
Broome	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...
Chemung	...	...	...	...	...	...
Chenango	...	...	...	...	...	...
Clinton	...	...	...	...	...	...
Columbia	...	...	...	...	...	...
Cortland	...	...	...	...	...	...
Delaware	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...
Erie	4	...	3	...	...	1
Essex	...	...	...	...	...	...
Franklin	...	...	...	...	...	...
Fulton	...	...	...	...	...	...
Genesee	...	...	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	...	...	...	...	...	...
Monroe	4	1	...	1	1	1
Montgomery	...	...	...	...	...	...
Nassau	4	...	4	...	...	...
Niagara	...	...	...	...	...	...
Oneida	...	...	...	...	...	...
Onondaga	3	...	3	...	...	...
Ontario	...	...	...	...	...	...
Orange	...	...	...	...	...	...
Orleans	...	...	...	...	...	...
Oswego	...	...	...	...	...	...
Otsego	...	...	...	...	...	...
Putman	...	...	...	...	...	...
Rensselaer	2	...	...	...	...	2
Rockland	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...
Seneca	...	...	...	...	...	...
Steuben	...	...	...	...	...	...
Suffolk	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...
Tioga	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...
Ulster	1	1	...	...	...	...
Warren	...	...	...	...	...	...
Washington	...	...	...	...	...	...
Wayne	...	...	...	...	...	...
Westchester	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...
Yates	...	...	...	...	...	...

*Disposed before fact-finding

Table A-61
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Removed From Criminal Court (Excluding Designated Felonies): Duration Of Probation
1987

Location	Total	0-6 Months	7-12 Months	13-18 Months	19-24 Months
Total New York State	60	40	12	5	3
Total New York City	41	29	7	5	...
New York	12	9	3	...	...
Kings	9	6	3	...	...
Queens	16	11	1	4	...
Bronx	3	2	...	1	...
Richmond	1	1	...	...	...
Total Upstate	19	11	5	...	3
Albany	1	1	...	...	...
Allegany	...	...	...	...	...
Broome	...	...	...	...	...
Cattaraugus	...	...	...	...	...
Cayuga	...	...	...	...	...
Chautauqua	...	...	...	...	...
Chemung	...	...	...	...	...
Chenango	...	...	...	...	...
Clinton	...	...	...	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	...	...	...	...	...
Erie	4	3	1	...	...
Essex	...	...	...	...	...
Franklin	...	...	...	...	...
Fulton	...	...	...	...	...
Genesee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	...	...	...	...	...
Jefferson	...	...	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	...	...	...	...	...
Monroe	4	4	...	...	...
Montgomery	...	...	...	...	...
Nassau	4	2	...	...	2
Niagara	...	...	...	...	...
Oneida	...	...	...	...	...
Onondaga	3	...	3	...	...
Ontario	...	...	...	...	...
Orange	...	...	...	...	...
Orleans	...	...	...	...	...
Oswego	...	...	...	...	...
Otsego	...	...	...	...	...
Putman	...	...	...	...	...
Rensselaer	2	1	...	...	1
Rockland	...	...	...	...	...
St. Lawrence	...	...	...	...	...
Saratoga	...	...	...	...	...
Schenectady	...	...	...	...	...
Schoharie	...	...	...	...	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	...	...	...	...	...
Suffolk	...	...	...	...	...
Sullivan	...	...	...	...	...
Tioga	...	...	...	...	...
Tompkins	...	...	...	...	...
Ulster	1	...	1	...	...
Warren	...	...	...	...	...
Washington	...	...	...	...	...
Wayne	...	...	...	...	...
Westchester	...	...	...	...	...
Wyoming	...	...	...	...	...
Yates	...	...	...	...	...

Table A-62
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Breakdown Of Dispositions (Allegations Not Established)
1987

Location	Total	Dispositions—Allegations Not Established								Total Dispositions-Allegations Established
		With-drawn	Consoli-dated	Change of venue	Found Incapaci-tated	Dismissed in Further-ance of Justice	Dismissed After Fact-Finding Hearing	ACD	Other Dismissal	
Total New York State	60	6	...	...	...	1	1	6	8	38
Total New York City	41	5	...	...	...	1	...	6	7	22
New York	12	3	...	...	...	1	...	...	2	6
Kings	9	...	...	...	...	...	...	3	...	6
Queens	16	1	...	...	...	...	...	3	3	9
Bronx	3	1	...	...	...	...	...	...	1	1
Richmond	1	...	...	...	...	...	...	...	1	...
Total Upstate	19	1	...	...	...	...	1	...	1	16
Albany	1	...	...	...	...	...	...	...	1	...
Allegany	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...
Erie	4	...	...	...	...	...	...	...	...	4
Essex	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...
Monroe	4	1	...	...	...	...	1	...	...	2
Montgomery	...	...	...	...	...	...	...	...	...	...
Nassau	4	...	...	...	...	...	...	...	...	4
Niagara	...	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...
Onondaga	3	...	...	...	...	...	...	...	...	3
Ontario	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...	...
Rensselaer	2	...	...	...	...	...	...	...	...	2
Rockland	...	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...
Suffolk	...	...	...	...	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...	...
Ulster	1	...	...	...	...	...	...	...	...	1
Warren	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...

Table A-63
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Breakdown Of Dispositions (Allegations Established)
1987

	Placement											
Location	Total	Conditional Discharge	Probation	Home, Relative Private Person	Comm. Social Services	DFY Title II	DFY Title III	DFY 60 Day Option	DFY 6 Month Resid.	Soc. Serv. Trans. to Mental Hygiene	DFY Trans. to Mental Hygiene	Other Placement
Total New York State	38	4	20	...	...	6	7	...	...	...	...	1
Total New York City	22	2	12	...	...	3	4	...	...	...	...	1
New York	6	1	3	...	...	1	1	...	...	...	...	...
Kings	6	...	3	...	...	2	...	...	...	...	...	1
Queens	9	1	5	...	...	...	3	...	...	...	...	...
Bronx	1	...	1	...	...	...	...	...	...	...	...	...
Richmond	...	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	16	2	8	...	...	3	7	...	...	...	...	...
Albany	...	...	...	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...	...	...
Erie	4	...	1	...	...	1	2	...	...	...	...	...
Essex	...	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...	...
Monroe	2	1	...	...	...	1	...	...	...	...	...	...
Montgomery	...	...	...	...	...	...	...	...	...	...	...	...
Nassau	4	...	2	...	...	1	1	...	...	...	...	...
Niagara	...	...	...	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...	...	...
Onondaga	3	...	3	...	...	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	2	1	1	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...	...
Suffolk	...	...	...	...	...	...	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...	...	...	...
Ulster	1	...	1	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...	...

Table A-64
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Removed From Criminal (Excluding Designated Felonies): Crimes Alleged In Petitions:
1987

	Total New York State	Total New York City	Total Upstate
Felonies			
Assault or Related Offenses	11	8	3
Homicide	2	2	...
Criminal Trespass/Burglary	4	1	3
Criminal Mischief/Tamp.	...	...	...
Grand Larceny	8	7	1
Robbery	29	23	6
Crim. Poss. Stolen Property	1	1	...
Controlled Substance Offense	...	...	...
Marijuana Possession/Sale	...	...	...
Weapon Offenses	2	2	...
Other Felonies	7	7	...
Misdemeanors			
Assault or Related Offenses	4	...	4
Crim. Trespass/Burg. or Rel. Offenses	1	1	...
Crim. Mischief/Tamp./Reck. End. Prep.	1	...	1
Petit Larceny	5	...	5
Theft & Related Offenses	7	7	...
Controlled Substance Offenses	...	...	...
Marijuana Possession/Sale	...	...	...
Riot/Harass./Loitering	...	...	...
Unlawful Possession Weapon	...	...	...
Weapon Offenses	4	4	...
Other Misdemeanors	2	1	1

NOTE: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition.

Table A-65
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Crimes Found To Have Been Committed
1987

	Total New York State	Total New York City	Total Upstate
Felonies			
Assault or Related Offense	3	2	1
Homicide	2	2	...
Criminal Trespass/Burglary	2	...	2
Criminal Mischief/Tamp.	...	...	...
Grand Larceny	3	2	1
Robbery	11	8	3
Crim. Poss. Stolen Property	1	1	...
Controlled Substance Offense	...	...	...
Marijuana Possession/Sale	...	...	...
Weapon Offenses	...	...	...
Other Felonies	4	4	...
Misdemeanors			
Assault or Related Offenses	4	...	4
Crim. Trespass/Burg. or Rel. Offenses	...	...	...
Crim. Mischief/Tamp./Reck. End. Prep.	...	...	...
Petit Larceny	5	...	5
Theft & Related Offenses	3	3	...
Controlled Substance Offenses	...	...	...
Marijuana Possession/Sale	...	...	...
Riot/Harass./Loitering	...	...	...
Unlawful Possession Weapon	...	...	...
Weapon Offenses	2	2	...
Other Misdemeanors	3	2	1
Allegation not Established	18	15	3

NOTE. The number of crimes found to have been committed exceeds the number of dispositions because multiple allegations may have been reported for each petition.

Table A-66 (partial)
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Age Of Alleged Victims By Crime Alleged
1987

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applicable*	Not Available	Not Reported
Total New York State									
Felonies									
Assault or Related Offenses	55	...	1	...	...	...	1	9	44
Homicide	10	...	...	...	...	...	...	2	8
Criminal Trespass/Burglary	20	...	...	1	...	...	3	...	16
Criminal Mischief/Tamp.	...	...	...	...	...	...	...	...	...
Grand Larceny	25	...	...	1	...	...	...	4	20
Robbery	85	...	...	...	...	...	5	12	68
Crim. Poss. Stolen Property	...	...	...	...	...	...	...	...	...
Controlled Substance Offense	...	...	...	...	...	...	...	...	...
Marijuana Possession/Sale	...	...	...	...	...	...	...	...	...
Weapon Offenses	5	...	...	...	...	...	...	1	4
Other Felonies	35	...	3	...	...	...	...	4	28
Misdemeanors									
Assault or Related Offenses	15	...	1	...	...	...	1	1	12
Crim. Trespass/Burg. or Rel. Offenses	5	...	...	...	...	...	1	...	4
Crim. Mischief/Tamp./Reck. End. Prep.	...	...	...	...	...	...	...	...	...
Petit Larceny	20	...	2	...	...	...	1	1	16
Theft & Related Offenses	10	...	...	...	...	...	...	2	8
Controlled Substance Offenses	...	...	...	...	...	...	...	...	...
Marijuana Possession/Sale	...	...	...	...	...	...	...	...	...
Riot/Harass./Loitering	...	...	...	...	...	...	...	...	...
Unlawful Possession Weapon	...	...	...	...	...	...	...	...	...
Weapon Offenses	5	...	...	...	...	...	1	...	4
Other Misdemeanors	10	...	1	...	...	...	1	...	8
Total	300	...	8	2	...	...	14	36	240
Total New York City									
Felonies									
Assault or Related Offenses	40	...	...	...	...	...	1	7	32
Homicide	10	...	...	...	...	...	...	2	8
Criminal Trespass/Burglary	5	...	...	...	...	...	1	...	4
Criminal Mischief/Tamp.	...	...	...	...	...	...	...	...	...
Grand Larceny	20	...	...	...	...	...	...	4	16
Robbery	65	...	...	...	...	...	2	11	52
Crim. Poss. Stolen Property	...	...	...	...	...	...	...	...	...
Controlled Substance Offense	...	...	...	...	...	...	...	...	...
Marijuana Possession/Sale	...	...	...	...	...	...	...	...	...
Weapon Offenses	5	...	...	...	...	...	...	1	4
Other Felonies	35	...	3	...	...	...	...	4	28
Misdemeanors									
Assault or Related Offenses	...	...	...	...	...	...	...	...	...
Crim. Trespass/Burg. or Rel. Offenses	5	...	...	...	...	...	1	...	4
Crim. Mischief/Tamp./Reck. End. Prep.	...	...	...	...	...	...	...	...	...
Petit Larceny	...	...	...	...	...	...	...	...	...
Theft & Related Offenses	10	...	...	...	...	...	...	2	8
Controlled Substance Offenses	...	...	...	...	...	...	...	...	...
Marijuana Possession/Sale	...	...	...	...	...	...	...	...	...
Riot/Harass./Loitering	...	...	...	...	...	...	...	...	...
Unlawful Possession Weapon	...	...	...	...	...	...	...	...	...
Weapon Offenses	5	...	...	...	...	...	1	...	4
Other Misdemeanors	5	...	...	...	...	...	1	...	4
Total	205	...	3	...	...	...	7	31	164

*No Victims

NOTE: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-66 (concl.)
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Age Of Alleged Victims by Crime Alleged
1987

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applicable*	Not Available	Not Reported
Total Outside New York City									
Felonies									
Assault or Related Offenses	15	...	1	...	...	...	...	2	12
Homicide	...	...	...	...	...	...	...	...	...
Criminal Trespass/Burglary	15	...	...	1	...	...	2	...	2
Criminal Mischief/Tamp.	...	...	...	...	...	...	...	...	...
Grand Larceny	5	...	...	1	...	...	...	...	4
Robbery	20	...	...	...	...	...	3	1	16
Crim. Poss. Stolen Property	...	...	...	...	...	...	...	...	...
Controlled Substance Offense	...	...	...	...	...	...	...	...	...
Marijuana Possession/Sale	...	...	...	...	...	...	...	...	...
Weapon Offenses	...	...	...	...	...	...	...	...	...
Other Felonies	...	...	...	...	...	...	...	...	...
Misdemeanors									
Assault or Related Offenses	15	...	1	...	...	...	1	1	12
Crim. Trespass/Burg. or Rel. Offenses	...	...	...	...	...	...	...	...	...
Crim. Mischief/Tamp./Reck. End. Prep.	...	...	...	...	...	...	...	...	...
Petit Larceny	20	...	2	...	...	...	1	1	16
Theft & Related Offenses	...	...	...	...	...	...	...	...	...
Controlled Substance Offenses	...	...	...	...	...	...	...	...	...
Marijuana Possession/Sale	...	...	...	...	...	...	...	...	...
Riot/Harass./Loitering	...	...	...	...	...	...	...	...	...
Unlawful Possession Weapon	...	...	...	...	...	...	...	...	...
Weapon Offenses	...	...	...	...	...	...	...	...	...
Other Misdemeanors	5	...	1	...	...	...	...	...	4
Total	95	...	5	2	...	...	7	5	76

*No Victims

NOTE: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-67
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Co-Respondent In Each Petition
1987

Location	Total	None	1	2	3	4 or More
Total New York State	60	40	10	5	3	2
Total New York City	41	27	6	4	2	2
New York	12	10	1	...	...	1
Kings	9	6	2	...	...	1
Queens	16	9	2	3	2	...
Bronx	3	1	1	1	...	...
Richmond	1	1	...	...	...	...
Total Upstate	19	13	4	1	1	...
Albany	1	...	...	...	1	...
Allegany	...	...	...	...	...	...
Broome	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...
Chemung	...	...	...	...	...	...
Chenango	...	...	...	...	...	...
Clinton	...	...	...	...	...	...
Columbia	...	...	...	...	...	...
Cortland	...	...	...	...	...	...
Delaware	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...
Erie	4	4	...	...	...	...
Essex	...	...	...	...	...	...
Franklin	...	...	...	...	...	...
Fulton	...	...	...	...	...	...
Genesee	...	...	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	...	...	...	...	...	...
Monroe	4	4	...	...	...	...
Montgomery	...	...	...	...	...	...
Nassau	4	3	1	...	...	...
Niagara	...	...	...	...	...	...
Oneida	...	...	...	...	...	...
Onondaga	3	...	3	...	...	...
Ontario	...	...	...	...	...	...
Orange	...	...	...	...	...	...
Orleans	...	...	...	...	...	...
Oswego	...	...	...	...	...	...
Otsego	...	...	...	...	...	...
Putman	...	...	...	...	...	...
Rensselaer	2	2	...	...	...	...
Rockland	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...
Seneca	...	...	...	...	...	...
Steuben	...	...	...	...	...	...
Suffolk	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...
Tioga	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...
Ulster	1	...	...	1	...	...
Warren	...	...	...	...	...	...
Washington	...	...	...	...	...	...
Wayne	...	...	...	...	...	...
Westchester	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...
Yates	...	...	...	...	...	...

Table A-68
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Adjournments From Filing Petition To Completion Of Fact-Finding Hearing
1987

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	60	8	5	3	9	2	4	8	21
Total New York City	41	2	3	...	6	1	4	7	18
New York	12	...	1	...	2	...	1	1	7
Kings	9	...	1	...	2	1	3	1	1
Queens	16	2	...	...	2	...	...	4	8
Bronx	3	...	1	...	...	...	...	...	2
Richmond	1	...	...	...	...	...	...	1	...
Total Upstate	19	6	2	3	3	1	...	1	3
Albany	1	1	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...
Erie	4	1	...	1	...	1	...	...	1
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...
Monroe	4	2	1	...	...	...	...	1	...
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	4	2	...	1	1	...	...	...	...
Niagara	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...
Onondaga	3	...	1	1	1	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...
Rensselaer	2	...	...	...	...	...	...	...	2
Rockland	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	...	...	...	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...
Ulster	1	...	...	...	1	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...

*Disposed before fact-finding

Table A-69
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Adjournments From Completion Of Fact-Finding Hearing To Completion Of Dispositional Hearing
1987

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	60	10	18	4	5	2	...	...	21
Total New York City	41	6	10	2	3	2	...	...	18
New York	12	...	4	...	1	...	...	...	7
Kings	9	2	3	1	1	2	...	...	...
Queens	16	3	2	1	1	...	...	...	9
Bronx	3	...	1	...	...	...	...	...	2
Richmond	1	1	...	...	...	...	...	...	...
Total Upstate	19	4	8	2	2	...	...	...	3
Albany	1	...	...	...	1	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...
Erie	4	1	1	1	...	...	...	...	1
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...
Monroe	4	2	1	...	1	...	...	...	...
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	4	1	2	1	...	...	...	...	...
Niagara	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...
Onondaga	3	...	3	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...
Rensselaer	2	...	...	...	...	...	...	...	2
Rockland	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	...	...	...	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...
Ulster	1	...	1	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...

*Disposed before fact-finding

Table A-70
FAMILY COURT
Juvenile Delinquency (Excluding Designated Felony) Petitions
Orders Extending Placement
1987

Placement	Total Orders Extdg. Plcmt.	1st Order Extdg. Plcmt.	2nd Order Extdg. Plcmt.	3rd Order Extdg. Plcmt.	4th or More Order Extdg. Plcmt.
New York State					
Rel., Private Person	11	5	5	1	...
Comm. Social Service	192	125	47	11	9
DFY Title II	383	281	71	21	10
DFY Title III	512	363	102	36	11
DFY 6 Month Resid.	13	7	6	...	...
Soc. Serv. Trans. to MH	3	3	...	...	...
DFY Trans. To MH	3	2	1	...	...
Other Placement	4	2	2	...	...
Total	1,121	788	234	69	30
New York City					
Home, Rel., Pvt. Person	...	...	...	...	...
Comm. Social Service	11	7	2	1	1
DFY Title II	217	164	36	11	6
DFY Title III	189	134	45	9	1
DFY 6 Month Resid.	5	2	3	...	...
Soc. Serv. Trans. To MH	1	1	...	...	...
DFY Trans. To MH	1	1	...	...	...
Other Placement	1	1	...	...	...
Total	425	310	86	21	8
Outside New York City					
Home, Rel., Pvt. Person	11	5	5	1	...
Comm. Social Service	181	118	45	10	8
DFY Title II	166	117	35	10	4
DFY Title III	323	229	57	27	10
DFY 6 Month Resid.	8	5	3	...	...
Soc. Serv. Trans. To MH	2	2	...	...	...
DFY Trans. To MH	2	1	1	...	...
Other Placement	3	1	2	...	...
Total	696	478	148	48	22

This table only includes those 110 forms where petition type (Section E) is code 1-JD.

Table A-71
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Excluding Removals From Criminal Courts: Days From Filing Petition To Completion Of Fact-Finding Hearing
1987

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applicable*
Total New York State	226	20	12	8	13	52	18	16	3	...	84
Total New York City	117	9	7	4	2	27	14	2	1	...	51
New York	24	...	...	2	...	5	1	...	1	...	15
Kings	54	6	3	...	1	12	6	...	...	...	26
Queens	25	2	3	1	1	10	2	...	...	...	6
Bronx	12	1	1	1	...	...	4	2	...	...	3
Richmond	2	...	...	...	...	...	1	...	...	...	1
Total Upstate	109	11	5	4	11	25	4	14	2	...	33
Albany	12	...	1	...	2	5	1	...	...	...	3
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	1	...	...	...	...	1	...	...	...	...	...
Cattaraugus	3	1	...	...	1	...	...	...	...	...	1
Cayuga	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	3	1	...	...	1	1	...	...	...	...	...
Chemung	4	1	...	...	2	1	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	1	...	...	...	...	...	...	1	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...
Dutchess	4	1	...	...	...	...	...	1	...	...	2
Erie	5	2	...	1	...	1	...	...	...	...	1
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...
Genesee	1	...	...	...	...	...	...	1	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	3	...	...	...	...	...	1	1	...	...	1
Monroe	10	...	...	1	1	6	1	...	...	...	1
Montgomery	...	...	...	...	...	...	...	...	...	...	...
Nassau	9	...	...	...	...	...	...	...	...	...	9
Niagara	1	...	...	...	...	1	...	...	...	...	...
Oneida	1	...	...	...	1	...	...	...	...	...	...
Onondaga	13	3	...	...	2	2	...	...	...	...	6
Ontario	...	...	...	...	...	...	...	...	...	...	...
Orange	4	1	...	...	...	3	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...
Oswego	4	...	...	2	...	2	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...
Putman	2	...	...	...	...	...	...	...	...	...	2
Rensselaer	3	...	...	...	...	...	...	...	1	...	2
Rockland	3	...	...	...	...	1	...	1	1	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...
Schoharie	1	...	...	...	...	...	...	...	...	...	1
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...
Suffolk	9	...	...	...	...	...	...	9	...	...	...
Sullivan	1	...	...	...	...	...	1	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	2	...	2	...	...	...	...	...	...	...	...
Ulster	5	...	...	...	...	1	...	...	...	...	4
Warren	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...
Westchester	4	1	2	...	1	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...

*Disposed before fact-finding

Table A-72
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Excluding Removals From Criminal Courts:
Days From Completion Of Fact-Finding Hearing To Completion Of Dispositional Hearing
1987

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applic-able*
Total New York State	226	42	6	4	5	60	9	16	...	...	84
Total New York City	117	23	5	3	4	24	2	5	...	...	51
New York	24	2	2	1	1	3	...	...	...	...	15
Kings	54	13	1	...	...	10	...	4	...	...	26
Queens	25	4	1	1	3	9	1	...	...	...	6
Bronx	12	3	1	1	...	2	1	1	...	...	3
Richmond	2	1	...	...	...	...	...	...	...	...	1
Total Upstate	109	19	1	1	1	36	7	11	...	...	33
Albany	12	3	...	...	...	3	3	...	...	...	3
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	1	...	...	...	...	1	...	...	...	...	...
Cattaraugus	3	1	...	...	...	...	...	1	...	...	1
Cayuga	...	...	...	...	...	...	...	...	...	...	
Chautauqua	3	...	...	...	...	2	1	...	...	...	...
Chemung	4	2	...	...	...	2	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	1	1	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...
Dutchess	4	...	...	...	...	1	...	1	...	...	2
Erie	5	4	...	...	...	...	...	...	...	...	1
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...
Genesee	1	1	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	3	1	...	...	...	...	1	...	...	...	1
Monroe	10	...	...	...	...	9	...	...	...	...	1
Montgomery	...	...	...	...	...	...	...	...	...	...	...
Nassau	9	...	...	...	...	...	...	...	...	...	9
Niagara	1	...	...	...	...	1	...	...	...	...	...
Oneida	1	...	...	1	...	...	...	...	...	...	...
Onondaga	13	...	...	...	1	6	...	...	...	...	6
Ontario	...	...	...	...	...	...	...	...	...	...	...
Orange	4	...	...	...	...	4	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...
Oswego	4	2	...	...	...	1	1	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...
Putman	2	...	...	...	...	...	...	...	...	...	2
Rensselaer	3	1	...	...	...	...	...	...	...	...	2
Rockland	3	3	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...
Schoharie	1	...	...	...	...	...	...	...	...	...	1
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...
Suffolk	9	...	...	...	...	...	...	9	...	...	...
Sullivan	1	...	...	...	...	1	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	2	...	...	...	...	2	...	...	...	...	...
Ulster	5	...	...	...	...	...	1	...	...	...	4
Warren	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...
Westchester	4	...	1	...	...	3	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...

*Disposed before fact-finding

Table A-73
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Excluding Removals From Criminal Courts: Outcome Of Fact-Finding
1987

Location	Total	Allegation Established in Whole or in Part After Fact-Finding Hearing	Allegation Established in Whole or In Part By Admission	Allegation Not Established After Fact-Finding Hearing	Not Applicable*	Not Applicable JO Removed For Disposition Only
Total New York State	226	23	105	14	84	...
Total New York City	117	8	48	10	51	...
New York	24	6	3	...	15	...
Kings	54	...	26	2	26	...
Queens	25	1	14	4	6	...
Bronx	12	1	5	3	3	...
Richmond	2	...	...	1	1	...
Total Upstate	109	15	57	4	33	...
Albany	12	...	8	1	3	...
Allegany	...	...	...	...	...	...
Broome	1	...	1	...	...	...
Cattaraugus	3	...	2	...	1	...
Cayuga	...	...	...	...	...	...
Chautauqua	3	...	3	...	...	...
Chemung	4	1	3	...	...	...
Chenango	...	...	...	...	...	...
Clinton	1	...	1	...	...	...
Columbia	...	...	...	...	...	...
Cortland	...	...	...	...	...	...
Delaware	...	...	...	...	...	...
Dutchess	4	...	2	...	2	...
Erie	5	...	3	1	1	...
Essex	...	...	...	...	...	...
Franklin	...	...	...	...	...	...
Fulton	...	...	...	...	...	...
Genesee	1	...	...	1	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	3	1	1	...	1	...
Monroe	10	1	8	...	1	...
Montgomery	...	...	...	...	...	...
Nassau	9	...	...	...	9	...
Niagara	1	...	1	...	...	...
Oneida	1	...	1	...	...	...
Onondaga	13	...	7	...	6	...
Ontario	...	...	...	...	...	...
Orange	4	...	4	...	...	...
Orleans	...	...	...	...	...	...
Oswego	4	...	4	...	...	...
Otsego	...	...	...	...	...	...
Putman	2	...	...	...	2	...
Rensselaer	3	...	...	1	2	...
Rockland	3	...	3	...	...	...
St. Lawrence	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...
Schoharie	1	...	...	...	1	...
Schuyler	...	...	...	...	...	...
Seneca	...	...	...	...	...	...
Steuben	...	...	...	...	...	...
Suffolk	9	9	...	...	...	...
Sullivan	1	...	1	...	...	...
Tioga	...	...	...	...	...	...
Tompkins	2	2	...	...	...	...
Ulster	5	1	...	...	4	...
Warren	...	...	...	...	...	...
Washington	...	...	...	...	...	...
Wayne	...	...	...	...	...	...
Westchester	4	...	4	...	...	...
Wyoming	...	...	...	...	...	...
Yates	...	...	...	...	...	...

*Disposed before fact-finding

Table A-74
FAMILY COURT
Original Dispositions Of Designated FelonyPetitions Excluding Removals From Criminal Courts: Duration Of Probation
1987

Location	Total	0-6 Months	7-12 Months	13-18 Months	19-24 Months
Total New York State	226	175	25	8	18
Total New York City	117	95	11	8	3
New York	24	21	3	...	...
Kings	54	47	4	1	2
Queens	25	16	1	7	1
Bronx	12	9	3	...	...
Richmond	2	2	...	...	...
Total Upstate	109	80	14	...	15
Albany	12	10	2	...	...
Allegany	...	...	...	...	...
Broome	1	1	...	...	...
Cattaraugus	3	2	...	...	1
Cayuga	...	...	...	...	...
Chautauqua	3	2	1	...	...
Chemung	4	4	...	...	...
Chenango	...	...	...	...	...
Clinton	1	...	1	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	4	2	1	...	1
Erie	5	5	...	...	...
Essex	...	...	...	...	...
Franklin	...	...	...	...	...
Fulton	...	...	...	...	...
Genesee	1	1	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	...	...	...	...	...
Jefferson	...	...	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	3	1	1	...	1
Monroe	10	4	...	...	6
Montgomery	...	...	...	...	...
Nassau	9	9	...	...	...
Niagara	1	...	1	...	...
Oneida	1	1	...	...	...
Onondaga	13	10	3	...	...
Ontario	...	...	...	...	...
Orange	4	2	...	...	2
Orleans	...	...	...	...	..
Oswego	4	3	...	...	1
Otsego	...	...	...	...	...
Putman	2	2	...	...	...
Rensselaer	3	3	...	...	...
Rockland	3	1	...	...	2
St. Lawrence	...	...	...	...	...
Saratoga	...	...	...	...	...
Schenectady	...	...	...	...	...
Schoharie	1	1	...	...	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	...	...	...	...	...
Suffolk	9	9	...	...	...
Sullivan	1	1	...	...	...
Tioga	...	...	...	...	...
Tompkins	2	...	2	...	...
Ulster	5	5	...	...	...
Warren	...	...	...	...	...
Washington	...	...	...	...	...
Wayne	...	...	...	...	...
Westchester	4	1	2	...	1
Wyoming	...	...	...	...	...
Yates	...	...	...	...	...

Table A-75
FAMILY COURT
Original Dispositions Of Designated Felony Petitions (Excluding Removals From Criminal Courts): Breakdown Of Dispositions (Allegations Not Established)
1987

	Dispositions—Allegations Not Established								
Location	Total	With-Drawn	Consoli-dated	Change of Venue	Found Incapaci-tated	Dis-missed in Further-ance of Justice	Dis-missed After FF Hearing	Other Dis-missed	Total Dispo-sitions Allegations Established
Total New York State	226	39	1	3	...	5	11	44	123
Total New York City	117	32	...	...	...	2	8	23	52
New York	24	8	...	...	...	...	...	7	9
Kings	54	22	...	...	...	...	2	8	22
Queens	25	1	...	...	...	...	4	6	14
Bronx	12	...	...	...	...	1	2	2	7
Richmond	2	1	...	...	...	1	...	...	...
Total Upstate	109	7	1	7	...	3	3	21	71
Albany	12	...	...	2	...	...	...	3	7
Allegany	...	...	...	...	...	...	...	...	...
Broome	1	...	...	...	...	...	...	...	1
Cattaraugus	3	1	...	...	...	...	...	...	2
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	3	...	...	...	...	...	...	...	3
Chemung	4	...	...	...	...	...	...	...	4
Chenango	...	...	...	...	...	...	...	...	...
Clinton	1	...	...	...	...	...	...	...	1
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	4	...	...	...	...	...	...	2	2
Erie	5	...	...	...	...	...	1	2	2
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	1	...	...	...	...	...	1	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	3	...	...	...	...	...	...	...	3
Monroe	10	1	...	...	...	...	...	...	9
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	9	1	...	...	...	...	...	8	...
Niagara	1	...	...	...	...	...	...	...	1
Oneida	1	...	...	...	...	...	...	...	1
Onondaga	13	2	...	...	...	3	...	1	7
Ontario	...	...	...	...	...	...	...	...	...
Orange	4	...	...	...	...	...	...	...	4
Orleans	...	...	...	...	...	...	...	...	...
Oswego	4	...	...	...	...	...	...	...	4
Otsego	...	...	...	...	...	...	...	...	...
Putman	2	...	...	1	...	...	...	1	...
Rensselaer	3	...	1	...	...	...	1	1	...
Rockland	3	...	...	...	...	...	...	...	3
St. Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	1	1	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	9	...	...	...	...	...	...	...	9
Sullivan	1	...	...	...	...	...	...	...	1
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	2	...	...	...	...	...	...	...	2
Ulster	5	1	...	...	...	...	...	3	1
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	4	...	...	...	...	...	...	...	4
Wyoming	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...

Table A-76
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Excluding Removals From Criminal Courts: Breakdown Of Dispositions (Allegations Established)
1987

	Non-Restrictive Placement												Placement Restrictive		
Location	Total	Conditional Discharge	Probation	Home, Relative or Private Person	Comm. of Social Services	DFY Title II	DFY Title III	DFY 60-day Option	DFY 6-month Resid.	Soc. Ser. Transfer to Mental Hygiene	DFY Transfer to Mental Hygiene	Other Placement	DFY 5-yrs.	DFY 3-yrs.	DFY Transfer to Mental Hygiene
Total New York State	123	8	51	1	6	4	36	...	1	...	1	4	...	11	...
Total New York City	52	5	22	1	...	2	17	...	1	...	...	4	...	...	...
New York	9	...	3	...	...	...	5	...	...	...	...	1	...	...	...
Kings	22	4	7	...	...	1	7	...	...	...	...	3	...	...	...
Queens	14	...	9	1	...	1	2	...	1	...	...	...	...	...	...
Bronx	7	1	3	...	...	...	3	...	...	...	...	...	...	...	...
Richmond	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	71	3	29	...	6	2	19	...	...	...	1	...	...	11	...
Albany	7	...	2	...	2	...	3	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Broome	1	...	...	...	...	...	...	...	...	...	1	...	...	...	...
Cattaraugus	2	...	1	...	...	...	1	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	3	...	1	...	1	...	1	...	...	...	...	...	...	...	...
Chemung	4	...	...	...	1	...	3	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Clinton	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Dutchess	2	...	2	...	...	...	...	...	...	...	...	...	...	...	...
Erie	2	...	...	...	...	...	2	...	...	...	...	...	...	...	...
Essex	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Madison	3	...	2	...	...	...	1	...	...	...	...	...	...	...	...
Monroe	9	...	6	...	...	1	1	...	...	...	...	...	...	1	...
Montgomery	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Nassau	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Niagara	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Oneida	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...
Onondaga	7	...	3	...	1	...	3	...	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Orange	4	...	2	...	1	...	...	...	...	...	...	...	...	1	...
Orleans	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Oswego	4	2	1	...	...	...	1	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rockland	3	...	2	...	...	...	1	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Suffolk	9	...	...	...	...	...	...	...	...	...	...	...	...	9	...
Sullivan	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tompkins	2	...	2	...	...	...	...	...	...	...	...	...	...	...	...
Ulster	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Westchester	4	...	3	...	...	...	1	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

Table A-77
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Excluding Removals From Criminal Courts: Crimes Alleged In Petitions
1987

	Total New York State	Total New York City	Total Upstate
Murder 1	.....	.....	.....
Att. Murder 1	2	1	1
Murder 2	1	1	.....
Kidnapping 1	.....	.....	.....
Arson 1	2	1	1
Att. Murder 2	2	2	.....
Manslaughter 1	.....	.....	.....
Rape 1	21	7	14
Sodomy 1	60	10	50
Aggravated Sexual Abuse	3	1	2
Att. Kidnapping 1	.....	.....	.....
Kidnapping 2	.....	.....	.....
Arson 2	14	6	8
Robbery 1	43	40	3
Burglary 1	4	.....	4
Robbery 2	55	50	5
Assault 1	22	18	4
Burglary 2	10	4	6
Assault 2	34	32	2
Other Felonies	48	30	18
Misdemeanors, Violations	49	37	12

Note: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition.

Table A-78
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Excluding Removals From Criminal Courts: Crimes Found To Have Been Committed
1987

	Total New York State	Total New York City	Total Upstate
Murder 1	.....	.....	.....
Att. Murder 1	1	.....	1
Murder 2	1	1	.....
Kidnapping 1	.....	.....	.....
Arson 1	.....	.....	.....
Att. Murder 2	.....	.....	.....
Manslaughter 1	.....	.....	.....
Rape 1	3	.....	3
Sodomy 1	20	.....	20
Aggravated Sexual Abuse	4	1	3
Att. Kidnapping 1	.....	.....	.....
Kidnapping 2	.....	.....	.....
Arson 2	3	1	2
Robbery 1	4	4	.....
Burglary 1	2	.....	2
Robbery 2	9	7	2
Assault 1	3	2	1
Burglary 2	5	1	4
Assault 2	11	9	2
Other Felonies	36	14	22
Misdemeanors, Violations	37	22	15
Allegations Not Established	94	60	34

Note: The number of crimes found to have been committed exceeds the number of dispositions because multiple allegations may have been reported for each petition.

Table A-79
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Excluding Removals From Criminal Courts: Co-Respondent In Each Petition
1987

Location	Total	None	1	2	3	4 or More
Total New York State	226	157	34	13	14	8
Total New York City	117	78	15	4	12	8
New York	24	17	4	...	3	...
Kings	54	28	7	4	9	6
Queens	25	20	4	...	...	1
Bronx	12	12	...	...	...	...
Richmond	2	1	...	...	...	1
Total Upstate	109	79	19	9	2	...
Albany	12	8	3	1	...	...
Allegany	...	...	...	...	...	...
Broome	1	1	...	...	...	...
Cattaraugus	3	2	1	...	...	...
Cayuga	...	...	...	...	...	...
Chautauqua	3	2	1	...	...	...
Chemung	4	2	...	2	...	...
Chenango	...	...	...	...	...	...
Clinton	1	1	...	...	...	...
Columbia	...	...	...	...	...	...
Cortland	...	...	...	...	...	...
Delaware	...	...	...	...	...	...
Dutchess	4	2	2	...	...	...
Erie	5	4	...	1	...	...
Essex	...	...	...	...	...	...
Franklin	...	...	...	...	...	...
Fulton	...	...	...	...	...	...
Genesee	1	1	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	3	2	...	1	...	...
Monroe	10	6	3	...	1	...
Montgomery	...	...	...	...	...	...
Nassau	9	9	...	...	...	...
Niagara	1	...	1	...	...	...
Oneida	...	...	...	...	...	...
Onondaga	...	...	...	...	...	...
Ontario	...	...	...	...	...	...
Orange	4	4	...	...	...	...
Orleans	...	...	...	...	...	...
Oswego	4	4	...	...	...	...
Otsego	...	...	...	...	...	...
Putman	2	1	...	...	1	...
Rensselaer	3	1	2	...	...	...
Rockland	3	3	...	...	...	...
St. Lawrence	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...
Schoharie	1	...	1	...	...	...
Schuyler	...	...	...	...	...	...
Seneca	...	...	...	...	...	...
Steuben	...	...	...	...	...	...
Suffolk	9	9	...	...	...	...
Sullivan	1	...	...	1	...	...
Tioga	...	...	...	...	...	...
Tompkins	2	...	2	...	...	...
Ulster	5	4	1	...	...	...
Warren	...	...	...	...	...	...
Washington	...	...	...	...	...	...
Wayne	...	...	...	...	...	...
Westchester	4	1	...	3	...	...
Wyoming	...	...	...	...	...	...
Yates	...	...	...	...	...	...

Table A-80
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Excluding Removals From Criminal Courts:
Age Of Alleged Victims By Crime Alleged
1987

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applicable*	Not Available	Not Reported
Total New York State									
Murder 1	...	...	...	...	...	...	...	...	...
Att. Murder 1	10	...	...	...	...	...	...	2	8
Murder 2	5	...	...	...	...	...	...	1	4
Kidnapping 1	...	...	...	...	...	...	...	...	...
Arson 1	10	1	...	...	...	...	...	1	8
Att. Murder 2	10	...	...	...	...	...	1	1	8
Manslaughter 1	...	...	...	...	...	...	...	...	...
Rape 1	105	7	3	...	...	...	...	11	84
Sodomy 1	265	37	3	...	...	...	...	21	204
Aggravated Sexual Abuse	...	...	...	...	...	...	...	...	...
Att. Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	...	...	...	...	...	...	...	...	...
Arson 2	70	...	...	...	...	...	10	4	56
Robbery 1	210	...	3	...	...	...	4	35	168
Burglary 1	20	1	...	...	2	...	1	...	16
Robbery 2	155	2	6	...	...	...	3	20	124
Assault 1	80	2	...	...	...	...	2	13	63
Burglary 2	35	...	...	1	1	1	1	3	28
Assault 2	15	...	...	...	...	...	1	2	12
Other Felonies	90	6	...	2	...	...	3	7	72
Misdemeanors, Violations	50	1	...	1	...	1	6	1	40
Total	1,130	57	15	4	3	2	32	122	895
Total New York City									
Murder 1	...	...	...	...	...	...	...	...	...
Att. Murder 1	5	...	...	...	...	...	...	1	4
Murder 2	5	...	...	...	...	...	...	1	4
Kidnapping 1	...	...	...	...	...	...	...	...	...
Arson 1	5	...	...	...	...	...	...	1	4
Att. Murder 2	10	...	...	...	...	...	1	1	8
Manslaughter 1	...	...	...	...	...	...	...	...	...
Rape 1	35	1	...	...	...	...	...	6	28
Sodomy 1	40	3	...	...	...	...	...	5	32
Aggravated Sexual Abuse	...	...	...	...	...	...	...	...	...
Att. Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	...	...	...	...	...	...	...	...	...
Arson 2	30	...	...	...	...	...	2	4	24
Robbery 1	195	...	1	...	...	...	3	35	156
Burglary 1	...	...	...	...	...	...	...	...	...
Robbery 2	135	2	5	...	...	...	1	19	108
Assault 1	60	2	...	...	...	...	...	11	47
Burglary 2	5	...	...	...	...	...	...	1	4
Assault 2	15	...	...	...	...	...	1	2	12
Other Felonies	30	...	...	...	...	...	2	4	24
Misdemeanors, Violations	15	...	...	...	...	...	2	1	12
Total	585	8	6	...	...	...	12	92	467

Table A-81
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Excluding Removals From Criminal Courts: Age Of Alleged Victims By Crime Alleged
1987

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applicable*	Not Available	Not Reported
Total Outside New York City									
Murder 1	...	...	...	...	...	...	...	...	...
Att. Murder 1	5	...	...	...	...	...	...	1	4
Murder 2	...	...	...	...	...	...	...	...	...
Kidnapping 1	...	...	...	...	...	...	...	...	...
Arson 1	5	1	...	...	...	...	...	...	4
Att. Murder 2	...	...	...	...	...	...	...	...	...
Manslaughter 1	...	...	...	...	...	...	...	...	...
Rape 1	70	6	3	...	...	...	...	5	56
Sodomy 1	225	34	3	...	...	...	...	16	172
Aggravated Sexual Abuse	...	...	...	...	...	...	...	...	...
Att. Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	...	...	...	...	...	...	...	...	...
Arson 2	40	...	...	...	...	...	8	...	32
Robbery 1	15	...	2	...	...	...	1	...	12
Burglary 1	20	1	...	...	2	...	1	...	16
Robbery 2	20	...	1	...	...	...	2	1	16
Assault 1	20	...	...	...	...	...	2	2	16
Burglary 2	30	...	...	1	1	1	1	2	24
Assault 2	...	...	...	...	...	...	...	...	...
Other Felonies	60	6	...	2	...	...	1	3	48
Misdemeanors, Violations	35	1	...	1	...	1	4	...	28
Total	545	49	9	4	3	2	20	30	428

*No Victims

Note: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-82
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Excluding Removals From Criminal Courts:
Adjournments From Filing Petition To Completion Of Fact-Finding Hearing
1987

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	226	24	34	30	25	13	9	20	71
Total New York City	117	7	14	15	17	10	5	7	42
New York	24	...	...	1	3	3	1	1	15
Kings	54	6	9	6	7	4	2	2	18
Queens	25	...	4	8	6	...	1	1	5
Bronx	12	...	1	...	1	3	1	3	3
Richmond	2	1	...	...	...	...	...	...	1
Total Upstate	109	17	20	15	8	3	4	13	29
Albany	12	3	3	3	2	...	1	...	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	1	1	...	...	...	...	...	...	...
Cattaraugus	3	2	...	...	...	...	...	...	1
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	3	1	1	1	...	...	...	...	...
Chemung	4	1	2	1	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	1	...	1	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	4	...	...	...	...	...	1	1	2
Erie	5	1	1	2	...	...	...	...	1
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	1	...	...	...	...	...	...	1	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	3	...	1	...	...	...	1	...	1
Monroe	10	...	...	3	2	2	1	1	1
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	9	...	...	...	...	...	...	...	9
Niagara	1	1	...	...	...	...	...	...	...
Oneida	1	...	...	...	1	...	...	...	...
Onondaga	13	...	5	3	...	...	...	1	4
Ontario	...	...	...	...	...	...	...	...	...
Orange	4	1	2	1	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...
Oswego	4	2	2	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putman	2	...	...	...	...	...	...	...	2
Rensselaer	3	...	...	...	...	...	...	...	3
Rockland	3	1	...	1	1	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	1	...	...	...	...	...	...	...	1
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	9	...	...	...	...	...	...	9	...
Sullivan	1	1	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	2	...	...	...	2	...	...	...	...
Ulster	5	...	...	...	...	1	...	...	4
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	4	2	2	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...

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*Disposed before fact-finding

Table A-83
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Excluding Removals From Criminal Courts: Adjournments From Completion Of Fact-Finding Hearing To Completion Of Dispositional Hearing
1987

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	226	61	45	18	10	9	12	2	69
Total New York City	117	33	26	8	5	2	1	1	41
New York	24	2	4	2	...	1	...	...	15
Kings	54	23	11	1	1	...	...	...	18
Queens	25	5	8	4	2	1	...	...	5
Bronx	12	2	3	1	2	...	1	1	2
Richmond	2	1	...	...	...	...	...	...	1
Total Upstate	109	28	19	10	5	7	11	1	28
Albany	12	3	1	3	...	3	1	1	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	1	...	...	...	1	...	...	...	...
Cattaraugus	3	...	...	2	...	...	...	...	1
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	3	...	3	...	...	...	...	...	...
Chemung	4	2	2	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	1	1	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	4	1	...	...	1	...	...	...	2
Erie	5	4	...	...	...	...	...	...	1
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	1	1	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	3	2	...	...	...	...	...	...	1
Monroe	10	...	2	2	2	2	1	...	1
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	9	...	...	...	...	...	...	...	9
Niagara	1	1	...	...	...	...	...	...	...
Oneida	1	...	1	...	...	...	...	...	...
Onondaga	13	...	5	1	1	2	...	...	4
Ontario	...	...	...	...	...	...	...	...	...
Orange	4	4	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...
Oswego	4	2	2	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putman	2	...	...	...	...	...	...	...	2
Rensselaer	3	1	...	...	...	...	...	...	2
Rockland	3	3	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	1	...	...	...	...	...	...	...	1
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	9	...	...	...	...	...	9	...	...
Sullivan	1	...	1	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	2	...	...	2	...	...	...	...	...
Ulster	5	...	1	...	...	...	...	...	4
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	4	3	1	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...

*Disposed before fact-finding

Table A-84
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Excluding Removals From Criminal Courts: Dispositions In Designated Felony Parts
1987

Location	Total	Disposed In Designated Felony Part	Disposed In Other Part
Total New York State	226	153	73
Total New York City	117	99	18
New York	24	21	3
Kings	54	49	5
Queens	25	19	6
Bronx	12	10	2
Richmond	2	...	2
Total Upstate	109	54	55
Albany	12	6	6
Allegany	...	...	...
Broome	1	1	...
Cattaraugus	3	...	3
Cayuga	...	...	...
Chautauqua	3	...	3
Chemung	4	2	2
Chenango	...	...	...
Clinton	1	...	1
Columbia	...	...	...
Cortland	...	...	...
Delaware	...	...	...
Dutchess	4	1	3
Erie	5	5	...
Essex	...	...	...
Franklin	...	...	...
Fulton	...	...	...
Genesee	1	1	...
Greene	...	...	...
Hamilton	...	...	...
Herkimer	...	...	...
Jefferson	...	...	...
Lewis	...	...	...
Livingston	...	...	...
Madison	3	3	...
Monroe	10	10	...
Montgomery	...	...	...
Nassau	9	2	7
Niagara	1	1	...
Oneida	1	...	1
Onondaga	13	5	8
Ontario	...	...	...
Orange	4	...	4
Orleans	...	...	...
Oswego	4	2	2
Otsego	...	...	...
Putman	2	2	...
Rensselaer	3	2	1
Rockland	3	1	2
St. Lawrence	...	...	...
Saratoga	...	...	...
Schenectady	...	...	...
Schoharie	1	...	1
Schuyler	...	...	...
Seneca	...	...	...
Steuben	...	...	...
Suffolk	9	9	...
Sullivan	1	...	1
Tioga	...	...	...
Tompkins	2	...	2
Ulster	5	...	5
Warren	...	...	...
Washington	...	...	...
Wayne	...	...	...
Westchester	4	1	3
Wyoming	...	...	...
Yates	...	...	...

Table A-85
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Removed From Criminal Courts:
Days From Filing Petition To Completion Of Fact-Finding Hearing
1987

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applicable*
Total New York State	245	4	11	1	6	37	47	7	2	---	130
Total New York City	226	2	8	1	6	32	45	6	2	---	124
New York	18	---	---	---	1	1	3	---	---	---	13
Kings	172	2	7	1	5	28	39	3	1	---	86
Queens	13	---	---	---	---	1	---	1	---	---	11
Bronx	23	---	1	---	---	2	3	2	1	---	14
Richmond	---	---	---	---	---	---	---	---	---	---	---
Total Upstate	19	2	3	---	---	5	2	1	---	---	6
Albany	---	---	---	---	---	---	---	---	---	---	---
Allegany	---	---	---	---	---	---	---	---	---	---	---
Broome	---	---	---	---	---	---	---	---	---	---	---
Cattaraugus	---	---	---	---	---	---	---	---	---	---	---
Cayuga	---	---	---	---	---	---	---	---	---	---	---
Chautauqua	---	---	---	---	---	---	---	---	---	---	---
Chemung	---	---	---	---	---	---	---	---	---	---	---
Chenango	---	---	---	---	---	---	---	---	---	---	---
Clinton	---	---	---	---	---	---	---	---	---	---	---
Columbia	---	---	---	---	---	---	---	---	---	---	---
Cortland	---	---	---	---	---	---	---	---	---	---	---
Delaware	---	---	---	---	---	---	---	---	---	---	---
Dutchess	---	---	---	---	---	---	---	---	---	---	---
Erie	1	---	1	---	---	---	---	---	---	---	---
Essex	---	---	---	---	---	---	---	---	---	---	---
Franklin	---	---	---	---	---	---	---	---	---	---	---
Fulton	---	---	---	---	---	---	---	---	---	---	---
Genesee	---	---	---	---	---	---	---	---	---	---	---
Greene	---	---	---	---	---	---	---	---	---	---	---
Hamilton	---	---	---	---	---	---	---	---	---	---	---
Herkimer	2	---	1	---	---	---	1	---	---	---	---
Jefferson	---	---	---	---	---	---	---	---	---	---	---
Lewis	---	---	---	---	---	---	---	---	---	---	---
Livingston	---	---	---	---	---	---	---	---	---	---	---
Madison	---	---	---	---	---	---	---	---	---	---	---
Monroe	9	2	1	---	---	2	1	---	---	---	3
Montgomery	---	---	---	---	---	---	---	---	---	---	---
Nassau	1	---	---	---	---	---	---	---	---	---	1
Niagara	1	---	---	---	---	1	---	---	---	---	---
Oneida	1	---	---	---	---	1	---	---	---	---	---
Onondaga	---	---	---	---	---	---	---	---	---	---	---
Ontario	---	---	---	---	---	---	---	---	---	---	---
Orange	---	---	---	---	---	---	---	---	---	---	---
Orleans	---	---	---	---	---	---	---	---	---	---	---
Oswego	---	---	---	---	---	---	---	---	---	---	---
Otsego	---	---	---	---	---	---	---	---	---	---	---
Putman	---	---	---	---	---	---	---	---	---	---	---
Rensselaer	---	---	---	---	---	---	---	---	---	---	---
Rockland	1	---	---	---	---	---	---	---	---	---	1
St. Lawrence	---	---	---	---	---	---	---	---	---	---	---
Saratoga	---	---	---	---	---	---	---	---	---	---	---
Schenectady	---	---	---	---	---	---	---	---	---	---	---
Schoharie	1	---	---	---	---	---	---	---	---	---	1
Schuyler	---	---	---	---	---	---	---	---	---	---	---
Seneca	---	---	---	---	---	---	---	---	---	---	---
Steuben	---	---	---	---	---	---	---	---	---	---	---
Suffolk	1	---	---	---	---	---	---	1	---	---	---
Sullivan	---	---	---	---	---	---	---	---	---	---	---
Tioga	---	---	---	---	---	---	---	---	---	---	---
Tompkins	1	---	---	---	---	1	---	---	---	---	---
Ulster	---	---	---	---	---	---	---	---	---	---	---
Warren	---	---	---	---	---	---	---	---	---	---	---
Washington	---	---	---	---	---	---	---	---	---	---	---
Wayne	---	---	---	---	---	---	---	---	---	---	---
Westchester	---	---	---	---	---	---	---	---	---	---	---
Wyoming	---	---	---	---	---	---	---	---	---	---	---
Yates	---	---	---	---	---	---	---	---	---	---	---

*Disposed before fact-finding

Table A-86
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Removed From Criminal Courts:
Days From Completion Of Fact-Finding Hearing To Completion Of Dispositional Hearing
1987

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applic-able*
Total New York State	245	36	5	2	2	27	11	32	...	...	130
Total New York City	226	34	4	1	2	19	10	32	...	...	124
New York	18	1	1	...	...	3	...	...	...	...	13
Kings	172	28	2	1	2	15	7	31	...	...	86
Queens	13	1	...	...	...	1	...	...	...	...	11
Bronx	23	4	1	...	...	...	3	1	...	...	14
Richmond	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	19	2	1	1	...	8	1	...	...	...	6
Albany	...	...	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	
Chautauqua	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...	...
Erie	1	...	...	...	...	1	...	...	...	...	...
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	2	1	...	...	...	...	1	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...
Monroe	9	...	1	1	...	4	...	...	...	...	3
Montgomery	...	...	...	...	...	...	...	...	...	...	...
Nassau	1	...	...	...	...	...	...	...	...	...	1
Niagara	1	...	...	...	...	1	...	...	...	...	...
Oneida	1	...	...	...	...	1	...	...	...	...	...
Onondaga	...	...	...	...	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	1	...	...	...	...	...	...	...	...	...	1
St. Lawrence	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...
Schoharie	1	...	...	...	...	...	...	...	...	...	1
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...
Suffolk	1	1	...	...	...	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	1	...	...	...	...	1	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...

*Disposed before fact-finding

Table A-87
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Removed From Criminal Courts: Outcome Of Fact-Finding
1987

Location	Total	Allegation Established in Whole or in Part After Fact-Finding Hearing	Allegation Established in Whole or In Part By Admission	Allegation Not Established After Fact-Finding Hearing	Not Applicable*	Not Applicable JO Removed For Disposition Only
Total New York State	245	7	99	9	130	...
Total New York City	226	5	89	8	124	...
New York	18	2	2	1	13	...
Kings	172	2	81	3	86	...
Queens	13	...	2	...	11	...
Bronx	23	1	4	4	14	...
Richmond	...	...	...	...	...	...
Total Upstate	19	2	10	1	6	...
Albany	...	...	...	...	...	...
Allegany	...	...	...	...	...	...
Broome	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...
Chemung	...	...	...	...	...	...
Chenango	...	...	...	...	...	...
Clinton	...	...	...	...	...	...
Columbia	...	...	...	...	...	...
Cortland	...	...	...	...	...	...
Delaware	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...
Erie	1	...	1	...	...	...
Essex	...	...	...	...	...	...
Franklin	...	...	...	...	...	...
Fulton	...	...	...	...	...	...
Genesee	...	...	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	2	...	1	1	...	...
Jefferson	...	...	...	...	...	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	...	...	...	...	...	...
Monroe	9	...	6	...	3	...
Montgomery	...	...	...	...	...	...
Nassau	1	...	...	...	1	...
Niagara	1	...	1	...	...	...
Oneida	1	...	1	...	...	...
Onondaga	...	...	...	...	...	...
Ontario	...	...	...	...	...	...
Orange	...	...	...	...	...	...
Orleans	...	...	...	...	...	...
Oswego	...	...	...	...	...	...
Otsego	...	...	...	...	...	...
Putman	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...
Rockland	1	...	...	...	1	...
St. Lawrence	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...
Schoharie	1	...	...	...	1	...
Schuyler	...	...	...	...	...	...
Seneca	...	...	...	...	...	...
Steuben	...	...	...	...	...	...
Suffolk	1	1	...	...	...	...
Sullivan	...	...	...	...	...	...
Tioga	...	...	...	...	...	...
Tompkins	1	1	...	...	...	...
Ulster	...	...	...	...	...	...
Warren	...	...	...	...	...	...
Washington	...	...	...	...	...	...
Wayne	...	...	...	...	...	...
Westchester	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...
Yates	...	...	...	...	...	...

*Disposed before fact-finding

Table A-88
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Removed From Criminal Courts:
Duration Of Probation
1987

Location	Total	0-6 Months	7-12 Months	13-18 Months	19-24 Months
Total New York State	245	221	18	2	4
Total New York City	226	205	16	2	3
New York	18	16	2	...	...
Kings	172	156	13	1	2
Queens	13	12	...	1	...
Bronx	23	21	1	...	1
Richmond	...	...	...	...	...
Total Upstate	19	16	2	...	1
Albany	...	...	...	...	...
Allegany	...	...	...	...	...
Broome	...	...	...	...	...
Cattaraugus	...	...	...	...	...
Cayuga	...	...	...	...	...
Chautauqua	...	...	...	...	...
Chemung	...	...	...	...	...
Chenango	...	...	...	...	...
Clinton	...	...	...	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	...	...	...	...	...
Erie	1	...	1	...	...
Essex	...	...	...	...	...
Franklin	...	...	...	...	...
Fulton	...	...	...	...	...
Genesee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	2	1	1	...	...
Jefferson	...	...	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	...	...	...	...	...
Monroe	9	8	...	...	1
Montgomery	...	...	...	...	...
Nassau	1	1	...	...	...
Niagara	1	1	...	...	...
Oneida	1	1	...	...	...
Onondaga	...	...	...	...	...
Ontario	...	...	...	...	...
Orange	...	...	...	...	...
Orleans	...	...	...	...	...
Oswego	...	...	...	...	...
Otsego	...	...	...	...	...
Putman	...	...	...	...	...
Rensselaer	...	...	...	...	...
Rockland	1	1	...	...	...
St. Lawrence	...	...	...	...	...
Saratoga	...	...	...	...	...
Schenectady	...	...	...	...	...
Schoharie	1	1	...	...	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	...	...	...	...	...
Suffolk	1	1	...	...	...
Sullivan	...	...	...	...	...
Tioga	...	...	...	...	...
Tompkins	1	1	...	...	...
Ulster	...	...	...	...	...
Warren	...	...	...	...	...
Washington	...	...	...	...	...
Wayne	...	...	...	...	...
Westchester	...	...	...	...	...
Wyoming	...	...	...	...	...
Yates	...	...	...	...	...

Table A-89
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Removed From Criminal Courts: Breakdown Of Dispositions (Allegations Not Established)
1987

Location	Dispositions—Allegations Not Established								
	Total	With-Drawn	Consoli-dated	Change of Venue	Found Incapaci-tated	Dis-missed in Further-ance of Justice	Dis-missed After FF Hearing	Other Dis-missed	Total Dispo-sitions Allegations Established
Total New York State	245	77	1	...	...	5	6	75	81
Total New York City	226	76	1	...	...	5	4	70	70
New York	18	10	...	...	...	1	1	2	4
Kings	172	58	1	...	...	...	1	54	58
Queens	13	4	...	...	...	...	...	7	2
Bronx	23	4	...	...	...	4	2	7	6
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	19	1	...	...	...	...	2	5	11
Albany	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...
Erie	1	...	...	...	...	...	...	...	1
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	2	...	...	...	...	...	1	...	1
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...
Monroe	9	1	...	...	...	...	1	1	6
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	1	...	...	...	...	...	...	1	...
Niagara	1	...	...	...	...	...	...	...	1
Oneida	1	...	...	...	...	...	...	...	1
Onondaga	...	...	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	1	...	...	...	...	...	...	1	...
St. Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	1	...	...	...	...	...	...	1	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	1	...	...	...	...	...	...	1	...
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	1	...	...	...	...	...	...	...	1
Ulster	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...

Table A-90
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Removed From Criminal Courts: Breakdown Of Dispositions (Allegations Established)
1987

	Non-Restrictive Placement												Placement Restrictive		
Location	Total	Conditional Discharge	Probation	Home, Relative or Private Person	Comm. of Social Services	DFY Title II	DFY Title III	DFY 60-day Option	DFY 6-month Resid.	Soc. Ser. Transfer to Mental Hygiene	DFY Transfer to Mental Hygiene	Other Placement	DFY 5-yrs.	DFY 3-yrs.	DFY Transfer to Mental Hygiene
Total New York State	81	21	24	...	2	6	16	...	...	...	...	12	...	...	...
Total New York City	70	20	21	...	1	5	11	...	...	...	...	12	...	...	...
New York	4	...	2	...	...	1	1	...	...	...	...	...	...	...	...
Kings	58	18	16	...	1	3	8	...	...	...	...	12	...	...	...
Queens	2	1	1	...	...	...	...	...	...	...	...	...	...	...	...
Bronx	6	1	2	...	...	1	2	...	...	...	...	...	...	...	...
Richmond	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	11	1	3	...	1	1	5	...	...	...	...	...	...	...	...
Albany	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Erie	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Essex	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Herkimer	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Monroe	6	1	1	...	...	...	4	...	...	...	...	...	...	...	...
Montgomery	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Nassau	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Niagara	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...
Oneida	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...
Onondaga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Suffolk	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tompkins	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

Table A-91
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Removed From Criminal Courts: Crimes Alleged In Petitions
1987

	Total New York State	Total New York City	Total Upstate
Murder 1	.....	.....	.....
Att. Murder 1	.....	.....	.....
Murder 2	.....	.....	.....
Kidnapping 1	.....	.....	.....
Arson 1	.....	.....	.....
Att. Murder 2	4	4	.....
Manslaughter 1	1	1	.....
Rape 1	16	14	2
Sodomy 1	16	8	8
Aggravated Sexual Abuse	2	.....	2
Att. Kidnapping 1	.....	.....	.....
Kidnapping 2	.....	.....	.....
Arson 2	3	2	1
Robbery 1	75	74	1
Burglary 1	8	6	2
Robbery 2	148	144	4
Assault 1	24	24	.....
Burglary 2	4	4	.....
Assault 2	104	101	3
Other Felonies	109	105	4
Misdemeanors, Violations	62	61	1

Note: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition.

Table A-92
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Removed From Criminal Courts: Crimes Found To Have Been Committed
1987

	Total New York State	Total New York City	Total Upstate
Murder 1	.....	.....	.....
Att. Murder 1	.....	.....	.....
Murder 2	.....	.....	.....
Kidnapping 1	.....	.....	.....
Arson 1	.....	.....	.....
Att. Murder 2	.....	.....	.....
Manslaughter 1	.....	.....	.....
Rape 1	.....	.....	.....
Sodomy 1	4	.....	4
Aggravated Sexual Abuse	.....	.....	.....
Att. Kidnapping 1	.....	.....	.....
Kidnapping 2	.....	.....	.....
Arson 2	3	2	1
Robbery 1	4	4	.....
Burglary 1	.....	.....	.....
Robbery 2	8	7	1
Assault 1	1	1	.....
Burglary 2	1	.....	1
Assault 2	7	6	1
Other Felonies	20	17	3
Misdemeanors, Violations	67	65	2
Allegations Not Established	138	131	7

Note: The number of crimes found to have been committed exceeds the number of dispositions because multiple allegations may have been reported for each petition.

Table A-93
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Removed From Criminal Courts:
Co-Respondent In Each Petition
1987

Location	Total	None	1	2	3	4 or More
Total New York State	245	91	51	50	22	31
Total New York City	226	75	49	49	22	31
New York	18	10	1	7	...	...
Kings	172	46	41	34	20	31
Queens	13	6	2	4	1	...
Bronx	23	13	5	4	1	...
Richmond	...	...	...	...	...	...
Total Upstate	19	16	2	1	...	...
Albany	...	...	...	...	...	...
Allegany	...	...	...	...	...	...
Broome	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...
Chemung	...	...	...	...	...	...
Chenango	...	...	...	...	...	...
Clinton	...	...	...	...	...	...
Columbia	...	...	...	...	...	...
Cortland	...	...	...	...	...	...
Delaware	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...
Erie	1	...	...	1	...	...
Essex	...	...	...	...	...	...
Franklin	...	...	...	...	...	...
Fulton	...	...	...	...	...	...
Genesee	...	...	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	2	2	...	...	...	...
Jefferson	...	...	...	...	...	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	...	...	...	...	...	...
Monroe	9	8	1	...	...	...
Montgomery	...	...	...	...	...	...
Nassau	1	1	...	...	...	...
Niagara	1	1	...	...	...	...
Oneida	1	1	...	...	...	...
Onondaga	...	...	...	...	...	...
Ontario	...	...	...	...	...	...
Orange	...	...	...	...	...	...
Orleans	...	...	...	...	...	...
Oswego	...	...	...	...	...	...
Otsego	...	...	...	...	...	...
Putman	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...
Rockland	1	1	...	...	...	...
St. Lawrence	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...
Schoharie	1	1	...	...	...	...
Schuyler	...	...	...	...	...	...
Seneca	...	...	...	...	...	...
Steuben	...	...	...	...	...	...
Suffolk	1	...	1	...	...	...
Sullivan	...	...	...	...	...	...
Tioga	...	...	...	...	...	...
Tompkins	1	1	...	...	...	...
Ulster	...	...	...	...	...	...
Warren	...	...	...	...	...	...
Washington	...	...	...	...	...	...
Wayne	...	...	...	...	...	...
Westchester	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...
Yates	...	...	...	...	...	...

Table A-94 (partial)
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Removed From Criminal Courts: Age Of Alleged Victims By Crime Alleged
1987

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applicable*	Not Available	Not Reported
Total New York State									
Murder 1	...	...	...	...	...	...	...	...	...
Att. Murder 1	...	...	...	...	...	...	...	...	...
Murder 2	...	...	...	...	...	...	...	...	...
Kidnapping 1	...	...	...	...	...	...	...	...	...
Arson 1	...	...	...	...	...	...	...	...	...
Att. Murder 2	20	...	1	...	...	...	...	3	16
Manslaughter 1	...	...	...	...	...	...	...	...	...
Rape 1	80	1	13	...	...	...	...	2	64
Sodomy 1	60	10	3	...	...	...	...	1	46
Aggravated Sexual Abuse	5	1	...	...	...	...	...	...	4
Att. Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	...	...	...	...	...	...	...	...	...
Arson 2	15	...	...	...	...	...	3	...	12
Robbery 1	370	2	28	1	5	...	6	32	296
Burglary 1	35	...	...	1	4	...	...	2	28
Robbery 2	495	5	42	15	7	2	9	23	392
Assault 1	60	...	3	1	...	...	...	11	45
Burglary 2	...	...	...	...	...	...	...	...	...
Assault 2	45	...	5	...	1	...	...	3	36
Other Felonies	25	...	1	...	...	...	1	3	20
Misdemeanors, Violations	15	...	3	...	...	...	...	...	12
Total	1,225	19	99	18	17	2	19	80	971
Total New York City									
Murder 1	...	...	...	...	...	...	...	...	...
Att. Murder 1	...	...	...	...	...	...	...	...	...
Murder 2	...	...	...	...	...	...	...	...	...
Kidnapping 1	...	...	...	...	...	...	...	...	...
Arson 1	...	...	...	...	...	...	...	...	...
Att. Murder 2	20	...	1	...	...	...	...	3	16
Manslaughter 1	...	...	...	...	...	...	...	...	...
Rape 1	70	...	12	...	...	...	...	2	56
Sodomy 1	25	4	1	...	...	...	...	...	20
Aggravated Sexual Abuse	...	...	...	...	...	...	...	...	...
Att. Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	...	...	...	...	...	...	...	...	...
Arson 2	10	...	...	...	...	...	2	...	8
Robbery 1	365	2	28	1	5	...	6	31	292
Burglary 1	25	...	...	1	3	...	...	1	20
Robbery 2	475	5	40	14	6	2	9	23	376
Assault 1	60	...	3	1	...	...	...	11	45
Burglary 2	...	...	...	...	...	...	...	...	...
Assault 2	45	...	5	...	1	...	...	3	36
Other Felonies	25	...	1	...	...	...	1	3	20
Misdemeanors, Violations	10	...	2	...	...	...	...	...	8
Total	1,130	11	93	17	15	2	18	77	897

Table A-94 (conclusion)
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Removed From Criminal Courts: Age Of Alleged Victims By Crime Alleged
1987

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applicable*	Not Available	Not Reported
Total Outside New York City									
Murder 1	...	...	...	...	...	...	...	...	...
Att. Murder 1	...	...	...	...	...	...	...	...	...
Murder 2	...	...	...	...	...	...	...	...	...
Kidnapping 1	...	...	...	...	...	...	...	...	...
Arson 1	...	...	...	...	...	...	...	...	...
Att. Murder 2	...	...	...	...	...	...	...	...	...
Manslaughter 1	...	...	...	...	...	...	...	...	...
Rape 1	10	1	1	...	...	...	...	...	8
Sodomy 1	35	6	2	...	...	...	...	1	25
Aggravated Sexual Abuse	5	1	...	...	...	...	...	...	4
Att. Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	...	...	...	...	...	...	...	...	...
Arson 2	5	...	...	...	...	...	1	...	4
Robbery 1	5	...	...	...	...	...	...	1	4
Burglary 1	10	...	...	...	1	...	...	1	8
Robbery 2	20	...	2	1	1	...	...	...	16
Assault 1	...	...	...	...	...	...	...	...	...
Burglary 2	...	...	...	...	...	...	...	...	...
Assault 2	...	...	...	...	...	...	...	...	...
Other Felonies	...	...	...	...	...	...	...	...	...
Misdemeanors, Violations	5	...	1	...	...	...	...	...	4
Total	95	8	6	1	2	...	1	3	74

*No Victims

Note: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-95
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Removed From Criminal Courts:
Adjournments From Filing Petition To Completion Of Fact-Finding Hearing
1987

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	245	15	12	21	27	23	8	26	113
Total New York City	226	7	8	21	25	22	7	25	111
New York	18	1	...	1	3	...	...	2	11
Kings	172	3	8	19	20	20	7	19	76
Queens	13	...	...	...	...	1	...	1	11
Bronx	23	3	...	1	2	1	...	3	13
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	19	8	4	...	2	1	1	1	2
Albany	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...
Erie	1	1	...	...	...	...	...	...	...
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	2	1	1	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...
Monroe	9	4	2	...	1	1	...	1	...
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	1	...	...	...	...	...	...	...	1
Niagara	1	1	...	...	...	...	...	...	...
Oneida	1	...	...	...	1	...	...	...	...
Onondaga	...	...	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	1	1	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	1	...	...	...	...	...	...	...	1
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	1	...	...	...	...	...	1	...	...
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	1	...	1	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...

*Disposed before fact-finding

Table A-96
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Removed From Criminal Courts:
Adjournments From Completion Of Fact-Finding Hearing To Completion Of Dispositional Hearing
1987

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	245	62	40	11	7	2	2	6	115
Total New York City	226	56	36	8	5	2	2	5	112
New York	18	2	4	...	...	...	...	...	12
Kings	172	48	30	6	4	2	2	3	77
Queens	13	1	1	...	...	...	...	...	11
Bronx	23	5	1	2	1	...	...	2	12
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	19	6	4	3	2	...	...	1	3
Albany	...	...	...	...	...	...	...	...	
Allegany	...	...	...	...	...	...	...	...	
Broome	...	...	...	...	...	...	...	...	
Cattaraugus	...	...	...	...	...	...	...	...	
Cayuga	...	...	...	...	...	...	...	...	
Chautauqua	...	...	...	...	...	...	...	...	
Chemung	...	...	...	...	...	...	...	...	
Chenango	...	...	...	...	...	...	...	...	
Clinton	...	...	...	...	...	...	...	...	
Columbia	...	...	...	...	...	...	...	...	
Cortland	...	...	...	...	...	...	...	...	
Delaware	...	...	...	...	...	...	...	...	
Dutchess	...	...	...	...	...	...	...	...	
Erie	1	...	1	...	...	...	...	...	
Essex	...	...	...	...	...	...	...	...	
Franklin	...	...	...	...	...	...	...	...	
Fulton	...	...	...	...	...	...	...	...	
Genesee	...	...	...	...	...	...	...	...	
Greene	...	...	...	...	...	...	...	...	
Hamilton	...	...	...	...	...	...	...	...	
Herkimer	2	1	...	1	...	...	...	...	
Jefferson	...	...	...	...	...	...	...	...	
Lewis	...	...	...	...	...	...	...	...	
Livingston	...	...	...	...	...	...	...	...	
Madison	...	...	...	...	...	...	...	...	
Monroe	9	4	3	1	1	...	...	...	...
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	1	...	...	...	...	...	...	...	1
Niagara	1	1	...	...	...	...	...	...	...
Oneida	1	...	...	1	...	...	...	...	...
Onondaga	...	...	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	1	...	...	...	...	...	...	...	1
St. Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	1	...	...	...	...	...	...	...	1
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	1	...	...	...	...	...	...	1	...
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	
Tompkins	1	...	...	...	1	...	...	...	
Ulster	...	...	...	...	...	...	...	...	
Warren	...	...	...	...	...	...	...	...	
Washington	...	...	...	...	...	...	...	...	
Wayne	...	...	...	...	...	...	...	...	
Westchester	...	...	...	...	...	...	...	...	
Wyoming	...	...	...	...	...	...	...	...	
Yates	...	...	...	...	...	...	...	...	

*Disposed before fact-finding

Table A-97
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Removed From Criminal Courts:
Dispositions In Designated Felony Parts
1987

Location	Total	Disposed In Designated Felony Part	Disposed In Other Part
Total New York State	245	223	22
Total New York City	226	207	19
New York	18	14	4
Kings	172	169	3
Queens	13	9	4
Bronx	23	15	8
Richmond	...	...	...
Total Upstate	19	16	3
Albany	...	...	...
Allegany	...	...	...
Broome	...	...	...
Cattaraugus	...	...	...
Cayuga	...	...	...
Chautauqua	...	...	...
Chemung	...	...	...
Chenango	...	...	...
Clinton	...	...	...
Columbia	...	...	...
Cortland	...	...	...
Delaware	...	...	...
Dutchess	...	...	...
Erie	1	1	...
Essex	...	...	...
Franklin	...	...	...
Fulton	...	...	...
Genesee	...	...	...
Greene	...	...	...
Hamilton	...	...	...
Herkimer	2	2	...
Jefferson	...	...	...
Lewis	...	...	...
Livingston	...	...	...
Madison	...	...	...
Monroe	9	9	...
Montgomery	...	...	...
Nassau	1	1	...
Niagara	1	1	...
Oneida	1	...	1
Onondaga	...	...	...
Ontario	...	...	...
Orange	...	...	...
Orleans	...	...	...
Oswego	...	...	...
Otsego	...	...	...
Putman	...	...	...
Rensselaer	...	...	...
Rockland	1	...	1
St. Lawrence	...	...	...
Saratoga	...	...	...
Schenectady	...	...	...
Schoharie	1	...	1
Schuyler	...	...	...
Seneca	...	...	...
Steuben	...	...	...
Suffolk	1	1	...
Sullivan	...	...	...
Tioga	...	...	...
Tompkins	1	1	...
Ulster	...	...	...
Warren	...	...	...
Washington	...	...	...
Wayne	...	...	...
Westchester	...	...	...
Wyoming	...	...	...
Yates	...	...	...

Table A-98
FAMILY COURT
Original Dispositions Of Designated Felony Petitions
Age Of Boys When Act Committed
1987

Location	Total	7-9	10-12	13-15	15 or More
Total New York State	411	...	7	399	5
Total New York City	289	...	4	281	4
New York	31	...	...	31	...
Kings	192	...	3	187	2
Queens	33	...	...	31	2
Bronx	31	...	1	30	...
Richmond	—2	...	...	2	...
Total Upstate	122	...	3	118	1
Albany	12	...	...	12	...
Allegany	...	...	...	...	...
Broome	1	...	...	1	...
Cattaraugus	3	...	...	3	...
Cayuga	...	...	...	...	...
Chautauqua	3	...	...	3	...
Chemung	4	...	...	4	...
Chenango	...	...	...	...	...
Clinton	...	...	...	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	4	...	...	4	...
Erie	5	...	...	5	...
Essex	...	...	...	...	...
Franklin	...	...	...	...	...
Fulton	...	...	...	...	...
Genesee	1	...	...	1	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	2	...	...	2	...
Jefferson	...	...	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	3	...	...	3	...
Monroe	19	...	...	19	...
Montgomery	...	...	...	...	...
Nassau	7	...	1	6	...
Niagara	2	...	...	2	...
Oneida	2	...	...	2	...
Onondaga	13	...	...	13	...
Ontario	...	...	...	...	...
Orange	4	...	...	4	...
Orleans	...	...	...	...	...
Oswego	4	...	...	4	...
Otsego	...	...	...	...	...
Putnam	2	...	1	1	...
Rensselaer	3	...	1	2	...
Rockland	4	...	...	4	...
St. Lawrence	...	...	...	...	...
Saratoga	...	...	...	...	...
Schenectady	...	...	...	...	...
Schoharie	1	...	...	1	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	...	...	...	...	...
Suffolk	10	...	...	9	1
Sullivan	1	...	...	1	...
Tioga	...	...	...	...	...
Tompkins	3	...	...	3	...
Ulster	5	...	...	5	...
Warren	...	...	...	...	...
Washington	...	...	...	...	...
Wayne	...	...	...	...	...
Westchester	4	...	...	4	...
Wyoming	...	...	...	...	...
Yates	...	...	...	...	...

Table A-99
FAMILY COURT
Original Dispositions Of Designated Felony Petitions
Age Of Girls When Act Committed
1987

Location	Total	7-9	10-12	13-15	15 or More
Total New York State	60	...	1	59	...
Total New York City	54	...	1	53	...
New York	11	...	...	11	...
Kings	34	...	1	33	...
Queens	5	...	...	5	...
Bronx	4	...	...	4	...
Richmond	...	...	...	...	...
Total Upstate	6	...	...	6	...
Albany	...	...	...	...	...
Allegany	...	...	...	...	...
Broome	...	...	...	...	...
Cattaraugus	...	...	...	...	...
Cayuga	...	...	...	...	...
Chautauqua	...	...	...	...	...
Chemung	...	...	...	...	...
Chenango	...	...	...	...	...
Clinton	1	...	...	1	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	...	...	...	...	...
Erie	1	...	...	1	...
Essex	...	...	...	...	...
Franklin	...	...	...	...	...
Fulton	...	...	...	...	...
Genesee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	...	...	...	...	...
Jefferson	...	...	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	...	...	...	...	...
Monroe	...	...	...	...	...
Montgomery	...	...	...	...	...
Nassau	3	...	...	3	...
Niagara	...	...	...	...	...
Oneida	...	...	...	...	...
Onondaga	...	...	...	...	...
Ontario	...	...	...	...	...
Orange	...	...	...	...	...
Orleans	...	...	...	...	...
Oswego	...	...	...	...	...
Otsego	...	...	...	...	...
Putman	...	...	...	...	...
Rensselaer	...	...	...	...	...
Rockland	...	...	...	...	...
St. Lawrence	...	...	...	...	...
Saratoga	...	...	...	...	...
Schenectady	...	...	...	...	...
Schoharie	1	...	...	1	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	...	...	...	...	...
Suffolk	...	...	...	...	...
Sullivan	...	...	...	...	...
Tioga	...	...	...	...	...
Tompkins	...	...	...	...	...
Ulster	...	...	...	...	...
Warren	...	...	...	...	...
Washington	...	...	...	...	...
Wayne	...	...	...	...	...
Westchester	...	...	...	...	...
Wyoming	...	...	...	...	...
Yates	...	...	...	...	...

Table A-100
FAMILY COURT
Original Dispositions Of Designated Felony Petitions: Origin Of Cases
1987

Location	Total	Family Court This County	Family Court Another County	By Local Crminal Court	Removal By Grand Jury	Removal By Supreme or County Court Before Adjudication	Removal By Supreme or County Court Before Sentence
Total New York State	471	224	2	223	4	15	3
Total New York City	343	116	1	209	2	12	3
New York	42	24	...	16	...	2	...
Kings	226	54	...	162	2	6	2
Queens	38	25	...	11	...	2	...
Bronx	35	11	1	20	...	2	1
Richmond	2	2	...	...	...	...	...
Total Upstate	128	108	1	14	2	3	...
Albany	12	12	...	...	...	...	...
Allegany	...	...	...	...	...	...	...
Broome	1	1	...	...	...	...	...
Cattaraugus	3	3	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...
Chautauqua	3	3	...	...	...	...	...
Chemung	4	4	...	...	...	...	...
Chenango	...	...	...	...	...	...	...
Clinton	1	1	...	...	...	...	...
Columbia	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...
Dutchess	4	4	...	...	...	...	...
Erie	6	5	...	1	...	...	...
Essex	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...
Genesee	1	1	...	...	...	...	...
Greene	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...
Herkimer	2	...	...	1	...	1	...
Jefferson	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...
Madison	3	3	...	...	...	...	...
Monroe	19	10	...	7	...	2	...
Montgomery	...	...	...	...	...	...	...
Nassau	10	9	...	1	...	...	...
Niagara	2	1	...	...	1	...	...
Oneida	2	1	...	...	1	...	...
Onondaga	13	13	...	...	...	...	...
Ontario	...	...	...	...	...	...	...
Orange	4	4	...	...	...	...	...
Orleans	...	...	...	...	...	...	...
Oswego	4	4	...	...	...	...	...
Otsego	...	...	...	...	...	...	...
Putman	2	2	...	...	...	...	...
Rensselaer	3	3	...	...	...	...	...
Rockland	4	2	1	1	...	...	...
St. Lawrence	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...
Schoharie	2	1	...	1	...	...	...
Schuyler	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...
Suffolk	10	9	...	1	...	...	...
Sullivan	1	1	...	...	...	...	...
Tioga	...	...	...	...	...	...	...
Tompkins	3	2	...	1	...	...	...
Ulster	5	5	...	...	...	...	...
Warren	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...
Westchester	4	4	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...

Table A-101
FAMILY COURT
Original Dispositions Of Designated Felony Petitions: Presentment Agency
1987

Location	Total	County Attorney	Corporation Counsel	District Attorney	Other
Total New York State	471	107	9	352	3
Total New York City	343	...	9	332	2
New York	42	...	...	42	...
Kings	226	...	3	222	1
Queens	38	...	...	37	1
Bronx	35	...	4	31	...
Richmond	2	...	2	...	...
Total Upstate	128	107	...	20	1
Albany	12	12	...	...	...
Allegany	...	...	...	...	...
Broome	1	1	...	...	...
Cattaraugus	3	3	...	...	...
Cayuga	...	...	...	...	...
Chautauqua	3	3	...	...	...
Chemung	4	4	...	...	...
Chenango	...	...	...	...	...
Clinton	1	1	...	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	4	4	...	...	...
Erie	6	6	...	...	...
Essex	...	...	...	...	...
Franklin	...	...	...	...	...
Fulton	...	...	...	...	...
Genesee	1	1	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	2	1	...	1	...
Jefferson	...	...	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	3	...	...	3	...
Monroe	19	19	...	...	...
Montgomery	...	...	...	...	...
Nassau	10	9	...	...	1
Niagara	2	1	...	1	...
Oneida	2	2	...	...	...
Onondaga	13	13	...	...	...
Ontario	...	...	...	...	...
Orange	4	4	...	...	...
Orleans	...	...	...	...	...
Oswego	4	4	...	...	...
Otsego	...	...	...	...	...
Putman	2	2	...	...	...
Rensselaer	3	3	...	...	...
Rockland	4	3	...	1	...
St. Lawrence	...	...	...	...	...
Saratoga	...	...	...	...	...
Schenectady	...	...	...	...	...
Schoharie	2	2	...	...	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	...	...	...	...	...
Suffolk	10	...	...	10	...
Sullivan	1	1	...	...	...
Tioga	...	...	...	...	...
Tompkins	3	3	...	...	...
Ulster	5	1	...	4	...
Warren	...	...	...	...	...
Washington	...	...	...	...	...
Wayne	...	...	...	...	...
Westchester	4	4	...	...	...
Wyoming	...	...	...	...	...
Yates	...	...	...	...	...

Table A-102
FAMILY COURT
Original Dispositions Of Designated Felony Petitions: Legal Representation
1987

Location	Total	Law Guardian Panel	Legal Aid Society	Private Retained	None
Total New York State	471	203	197	70	1
Total New York City	343	103	192	47	1
New York	42	15	25	2	...
Kings	226	57	133	35	1
Queens	38	14	19	5	...
Bronx	35	17	13	5	...
Richmond	2	...	2	...	...
Total Upstate	128	100	5	23	...
Albany	12	12	...	...	...
Allegany	...	...	...	...	...
Broome	1	1	...	...	...
Cattaraugus	3	3	...	...	...
Cayuga	...	...	...	...	...
Chautauqua	3	3	...	...	...
Chemung	4	4	...	...	...
Chenango	...	...	...	...	...
Clinton	1	1	...	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	4	4	...	...	...
Erie	6	6	...	...	...
Essex	...	...	...	...	...
Franklin	...	...	...	...	...
Fulton	...	...	...	...	...
Genesee	1	1	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	2	2	...	...	...
Jefferson	...	...	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	3	3	...	...	...
Monroe	19	7	4	8	...
Montgomery	...	...	...	...	...
Nassau	10	9	...	1	...
Niagara	2	1	...	1	...
Oneida	2	2	...	...	...
Onondaga	13	13	...	...	...
Ontario	...	...	...	...	...
Orange	4	3	1	...	...
Orleans	...	...	...	...	...
Oswego	4	4	...	...	...
Otsego	...	...	...	...	...
Putman	2	2	...	...	...
Rensselaer	3	3	...	...	...
Rockland	4	2	...	2	...
St. Lawrence	...	...	...	...	...
Saratoga	...	...	...	...	...
Schenectady	...	...	...	...	...
Schoharie	2	1	...	1	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	...	...	...	...	...
Suffolk	10	...	...	10	...
Sullivan	1	1	...	...	...
Tioga	...	...	...	...	...
Tompkins	3	3	...	...	...
Ulster	5	5	...	...	...
Warren	...	...	...	...	...
Washington	...	...	...	...	...
Wayne	...	...	...	...	...
Westchester	4	4	...	...	...
Wyoming	...	...	...	...	...
Yates	...	...	...	...	...

Table A-103
FAMILY COURT
Original Dispositions Of Designated Felony Petitions: Restitution Or Public Service Recommended Or Ordered
1987

Location	Total	Rest. or Public Service Recomm. or Ordered	Rest. or Public Service Not Recomm. or Ordered
Total New York State	471	50	421
Total New York City	343	42	301
New York	42	1	41
Kings	226	37	189
Queens	38	4	34
Bronx	35	...	35
Richmond	2	...	2
Total Upstate	128	8	120
Albany	12	1	11
Allegany	...	...	...
Broome	1	...	1
Cattaraugus	3	...	3
Cayuga	...	...	...
Chautauqua	3	...	3
Chemung	4	...	4
Chenango	...	...	...
Clinton	1	...	1
Columbia	...	...	...
Cortland	...	...	...
Delaware	...	...	...
Dutchess	4	...	4
Erie	6	...	6
Essex	...	...	...
Franklin	...	...	...
Fulton	...	...	...
Genesee	1	...	1
Greene	...	...	...
Hamilton	...	...	...
Herkimer	2	...	2
Jefferson	...	...	...
Lewis	...	...	...
Livingston	...	...	...
Madison	3	...	3
Monroe	19	1	18
Montgomery	...	...	...
Nassau	10	...	10
Niagara	2	...	2
Oneida	2	...	2
Onondaga	13	2	11
Ontario	...	...	...
Orange	4	...	4
Orleans	...	...	...
Oswego	4	...	4
Otsego	...	...	...
Putman	2	...	2
Rensselaer	3	...	3
Rockland	4	1	3
St. Lawrence	...	...	...
Saratoga	...	...	...
Schenectady	...	...	...
Schoharie	2	...	2
Schuyler	...	...	...
Seneca	...	...	...
Steuben	...	...	...
Suffolk	10	...	10
Sullivan	1	...	1
Tioga	...	...	...
Tompkins	3	...	3
Ulster	5	...	5
Warren	...	...	...
Washington	...	...	...
Wayne	...	...	...
Westchester	4	3	1
Wyoming	...	...	...
Yates	...	...	...

Table A-104
FAMILY COURT
Original Dispositions Of Designated Felony Petitions: Children Released And Detained Before Petition Filing
1987

Location	Total	Note Released Pursuant to 307.4	Released Pursuant to 307.4	Not Applicable*
Total New York State	471	38	18	415
Total New York City	343	21	17	305
New York	42	6	17	19
Kings	226	2	...	224
Queens	38	7	...	31
Bronx	35	6	...	29
Richmond	2	...	...	2
Total Upstate	128	17	1	110
Albany	12	...	...	12
Allegany	...	...	...	...
Broome	1	...	...	1
Cattaraugus	3	1	...	2
Cayuga	...	...	...	...
Chautauqua	3	...	...	3
Chemung	4	...	...	4
Chenango	...	...	...	...
Clinton	1	...	...	1
Columbia	...	...	...	...
Cortland	...	...	...	...
Delaware	...	...	...	...
Dutchess	4	...	...	4
Erie	6	...	...	6
Essex	...	...	...	...
Franklin	...	...	...	...
Fulton	...	...	...	...
Genesee	1	...	...	1
Greene	...	...	...	...
Hamilton	...	...	...	...
Herkimer	2	...	...	2
Jefferson	...	...	...	...
Lewis	...	...	...	...
Livingston	...	...	...	...
Madison	3	...	...	3
Monroe	19	...	...	19
Montgomery	...	...	...	...
Nassau	10	3	...	7
Niagara	2	1	...	1
Oneida	2	...	...	2
Onondaga	13	6	...	7
Ontario	...	...	...	...
Orange	4	1	...	3
Orleans	...	...	...	...
Oswego	4	...	...	4
Otsego	...	...	...	...
Putman	2	...	...	2
Rensselaer	3	1	...	2
Rockland	4	...	...	4
St. Lawrence	...	...	...	...
Saratoga	...	...	...	...
Schenectady	...	...	...	...
Schoharie	2	...	1	1
Schuyler	...	...	...	...
Seneca	...	...	...	...
Steuben	...	...	...	...
Suffolk	10	1	...	9
Sullivan	1	...	...	1
Tioga	...	...	...	...
Tompkins	3	3	...	...
Ulster	5	...	...	5
Warren	...	...	...	...
Washington	...	...	...	...
Wayne	...	...	...	...
Westchester	4	...	...	4
Wyoming	...	...	...	...
Yates	...	...	...	...

*Respondent not detained.

Table A-105
FAMILY COURT
Original Dispositions Of Designated Felony Petitions: Children Released And Detained After Petition Filed:
1987

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181 or More Days	Not Detained
Total New York State	471	43	15	6	14	26	4	...	363
Total New York City	343	33	13	3	8	9	...	...	277
New York	42	4	3	1	2	2	...	...	30
Kings	226	23	8	2	1	4	...	...	188
Queens	38	1	2	...	3	2	...	...	30
Bronx	35	5	...	...	2	1	...	...	27
Richmond	2	...	...	...	...	...	...	...	2
Total Upstate	128	10	2	3	6	17	4	...	86
Albany	12	...	1	1	...	1	...	...	9
Allegany	...	...	...	...	...	...	...	...	...
Broome	1	...	...	...	...	1	...	...	...
Cattaraugus	3	...	...	...	1	...	...	...	2
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	3	...	...	...	...	...	...	...	3
Chemung	4	2	...	...	...	1	1	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	1	...	...	...	...	...	...	...	1
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	4	...	...	...	...	...	...	...	4
Erie	6	...	...	1	...	...	...	...	5
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	1	...	...	...	...	...	...	...	1
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	2	...	...	...	...	...	...	...	2
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	3	...	...	...	...	...	1	...	2
Monroe	19	3	...	1	3	...	...	...	12
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	10	...	...	...	2	...	...	...	8
Niagara	2	...	...	...	...	...	...	...	2
Oneida	2	...	...	...	...	...	...	...	2
Onondaga	13	2	...	...	...	3	1	...	7
Ontario	...	...	...	...	...	...	...	...	...
Orange	4	...	...	...	...	1	...	...	3
Orleans	...	...	...	...	...	...	...	...	...
Oswego	4	...	...	...	...	...	...	...	4
Otsego	...	...	...	...	...	...	...	...	...
Putman	2	...	...	...	...	...	...	...	2
Rensselaer	3	1	...	...	...	...	...	...	2
Rockland	4	...	...	...	...	1	...	...	3
St. Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	2	...	...	...	...	...	...	...	2
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	10	...	...	...	...	...	9	...	1
Sullivan	1	...	...	...	...	...	...	...	1
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	3	2	...	...	...	...	1	...	...
Ulster	5	...	...	...	...	...	...	...	5
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	4	...	1	...	...	...	...	...	3
Wyoming	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...

Table A-106
FAMILY COURT
Designated Felony Petitions: Orders Extending Placement
1987

Placement	Total Orders Extdg. Plcmt.	1st Order Extdg. Plcmt.	2nd Order Extdg. Plcmt.	3rd Order Extdg. Plcmt.	4th or More Order Extdg. Plcmt.
New York State					
Home, Rel., Pvt. Person	2	1	...	1	...
Comm. Social Service	4	2	1	...	1
DFY Title II	36	28	4	3	1
DFY Title III	72	50	19	2	1
DFY 6 Month Resid.	1	...	1	...	...
Soc. Serv. Trans. to MH	...	...	...	...	...
DFY Trans. To MH	...	...	...	...	...
Other Placement	...	...	...	...	...
Restrictive:					
DFY 5 Years	...	...	...	...	...
DFY 3 Years	1	1	...	...	...
DFY Trans. To MH	...	...	...	...	...
**Total	116	82	25	6	3
New York City **Nonrestrictive:**					
Home, Rel., Pvt. Person	...	...	...	...	...
Comm. Social Service	1	1	...	...	...
DFY Title II	31	24	4	2	1
DFY Title III	50	38	11	...	1
DFY 6 Month Resid.	...	...	...	...	...
Soc. Serv. Trans. To MH	...	...	...	...	...
DFY Trans. To MH	...	...	...	...	...
Other Placement	...	...	...	...	...
Restrictive:					
DFY 5 Years	...	...	...	...	...
DFY 3 Years	1	1	...	...	...
DFY Trans. To MH	...	...	...	...	...
**Total	83	64	15	2	2
Outside New York City **Nonrestrictive:**					
Home, Rel., Pvt. Person	2	1	...	1	...
Comm. Social Service	3	1	1	...	1
DFY Title II	5	4	...	1	...
DFY Title III	22	12	8	2	...
DFY 6 Month Resid.	1	...	1	...	...
Soc. Serv. Trans. To MH	...	...	...	...	...
DFY Trans. To MH	...	...	...	...	...
Other Placement	...	...	...	...	...
Restrictive:					
DFY 5 Years	...	...	...	...	...
DFY 3 Years	...	...	...	...	...
DFY Trans. To MH	...	...	...	...	...
**Total	33	18	10	4	1

This table only includes those 110 forms where petition type (Section E) is code 2-DF.

Table A-107
FAMILY COURT
Original Dispositions Of Family Offense Petitions: Days From Filing Petition To Completion Of Dispositional Hearing
1987

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 Or More Days
Total New York State	39,487	5,035	3,872	4,263	5,392	18,102	2,039	492	157	135
Total New York City	22,591	2,647	1,972	2,097	2,926	12,000	766	108	69	6
New York	3,359	814	649	547	518	737	43	15	33	3
Kings	8,373	755	372	600	1,148	5,266	185	23	21	3
Queens	5,120	593	675	623	906	2,110	171	34	8	...
Bronx	4,602	343	143	159	278	3,374	280	20	5	...
Richmond	1,137	142	133	168	76	513	87	16	2	...
Total Upstate	16,896	2,388	1,900	2,166	2,466	6,102	1,273	384	88	129
Albany	486	8	9	123	117	188	38	3	...	...
Allegany	79	8	6	5	10	38	7	4	1	...
Broome	250	46	60	57	33	54	...	...	...	...
Cattaraugus	15	...	2	2	...	8	1	2	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...
Chautauqua	108	...	9	22	25	42	9	1	...	...
Chemung	128	38	25	12	10	32	8	2	1	...
Chenango	103	14	15	14	22	34	4	...	...	...
Clinton	44	4	4	5	6	17	8	...	...	...
Columbia	110	11	17	18	21	27	12	4	...	...
Cortland	96	8	20	15	18	24	6	3	1	1
Delaware	117	14	30	17	9	38	5	4	...	...
Dutchess	582	116	22	16	28	321	62	13	4	...
Erie	1,563	825	290	111	83	197	38	13	1	5
Essex	39	3	9	6	2	11	5	...	3	...
Franklin	50	6	3	3	8	24	6	...	...	...
Fulton	163	28	71	33	14	3	...	...	...	
Genesee	97	29	18	6	7	31	6	...	...	...
Greene	103	14	10	28	20	24	5	2	...	...
Hamilton	11	5	3	...	1	...	1	1	...	...
Herkimer	178	24	27	27	26	47	16	6	5	...
Jefferson	251	12	66	34	39	65	24	9	2	...
Lewis	40	11	4	7	7	10	1	...	...	...
Livingston	25	4	9	7	2	2	1	...	...	...
Madison	149	13	26	21	15	52	20	2	...	...
Monroe	824	96	305	135	97	151	29	8	3	...
Montgomery	78	35	19	8	6	8	...	2	...	...
Nassau	3,397	304	138	486	528	1,337	373	112	15	104
Niagara	217	15	37	47	42	68	6	2	...	...
Oneida	244	34	42	39	28	84	15	2	...	...
Onondaga	798	24	25	90	193	387	71	7	...	1
Ontario	192	72	56	21	19	16	3	1	...	4
Orange	152	45	38	32	14	21	2	...	...	...
Orleans	33	2	5	3	3	11	5	4	...	...
Oswego	65	...	10	7	9	35	4	...	...	...
Otsego	16	7	2	...	...	7	...	...	...	...
Putman	164	10	38	48	25	40	...	1	1	1
Rensselaer	303	5	19	28	54	163	29	5	...	...
Rockland	605	57	49	61	73	270	68	19	6	2
St. Lawrence	182	79	24	10	9	48	8	4	...	...
Saratoga	254	42	38	28	29	87	23	7	...	...
Schenectady	29	...	5	10	6	8	...	...	...	...
Schoharie	67	23	18	5	5	13	2	1	...	...
Schuyler	38	10	13	9	2	4	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...
Steuben	77	6	8	12	18	21	10	1	...	1
Suffolk	1,981	73	66	302	483	859	128	43	22	5
Sullivan	105	21	19	7	13	36	7	2	...	...
Tioga	65	4	11	11	16	21	1	1	...	...
Tompkins	127	23	27	23	13	32	7	2	...	...
Ulster	281	28	17	27	52	94	43	19	1	...
Warren	86	14	28	16	5	18	1	4	...	...
Washington	24	...	4	4	7	7	...	2	...	...
Wayne	134	8	11	23	18	58	8	7	1	...
Westchester	1,536	103	69	81	171	888	141	57	21	5
Wyoming	26	7	4	1	4	7	1	2	...	...
Yates	9	...	...	3	1	3	2	...	...	...

Table A-108
FAMILY COURT
Original Dispositions Of Family Offense Petitions: Relationship Of Respondent To Petitioner Or Complainant
1987

Location	Total	Hus-band	Wife	Former Hus-band	Former Wife	Father	Mother	Son	Daugh-ter	Man With Child In Common	Woman With Child In Common	Other Member Same Fam./HSHLD.	Other Rel.
Total New York State	39,487	20,912	2,559	968	185	649	475	3,417	1,030	5,517	338	2,524	913
Total New York City	22,591	10,866	1,162	548	77	197	282	2,409	680	3,770	220	1,748	632
New York	3,359	1,447	179	94	15	40	32	335	136	723	36	292	20
Kings	8,373	4,023	401	180	35	81	152	1,008	236	1,283	78	635	261
Queens	5,120	2,893	279	131	14	36	37	564	173	431	28	467	67
Bronx	4,602	1,921	224	111	7	26	46	374	103	1,207	67	262	254
Richmond	1,137	582	79	32	6	14	15	128	32	126	11	92	20
Total Upstate	16,896	10,046	1,397	420	108	452	193	1,008	350	1,747	118	776	281
Albany	486	321	31	15	1	3	4	14	9	73	6	5	4
Allegany	79	49	3	1	...	...	2	...	...	13	1	8	2
Broome	250	180	21	7	1	...	3	8	5	15	...	7	3
Cattaraugus	15	11	...	...	...	...	...	1	...	2	...	1	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	108	71	4	4	1	2	1	4	...	17	...	4	...
Chemung	128	99	8	2	...	...	1	2	...	14	...	1	1
Chenango	103	72	8	...	...	1	...	...	1	14	4	1	2
Clinton	44	35	3	...	...	...	...	3	...	3	...	...	...
Columbia	110	68	11	1	...	5	2	2	1	11	2	7	...
Cortland	96	64	2	4	...	1	1	4	2	9	2	5	2
Delaware	117	82	9	4	1	1	1	1	1	14	1	2	...
Dutchess	582	206	36	10	1	211	17	14	6	24	2	42	13
Erie	1,563	871	65	56	9	13	8	115	21	331	10	62	2
Essex	39	30	2	...	...	...	2	1	1	...	...	2	1
Franklin	50	35	8	...	...	...	...	1	...	2	...	4	...
Fulton	163	96	17	3	1	2	...	5	4	24	1	8	2
Genesee	97	65	6	2	1	2	1	9	1	6	...	2	2
Greene	103	63	14	2	1	1	2	5	1	6	...	5	3
Hamilton	11	8	...	1	...	...	1	...	...	...	...	1	...
Herkimer	178	97	21	9	6	4	6	4	3	15	...	10	3
Jefferson	251	187	22	2	...	...	...	11	2	16	2	9	...
Lewis	40	28	2	...	1	1	...	2	2	2	...	2	...
Livingston	25	20	1	...	...	...	...	...	1	2	...	1	...
Madison	149	95	4	6	1	1	1	7	2	23	1	2	6
Monroe	824	539	25	16	1	8	3	12	3	181	5	30	1
Montgomery	78	59	...	1	...	...	1	1	...	8	...	6	2
Nassau	3,397	1,624	415	89	29	125	70	356	134	175	29	201	150
Niagara	217	174	6	4	...	1	1	6	1	22	...	2	...
Oneida	244	183	6	5	...	5	1	4	...	19	...	11	10
Onondaga	798	429	44	33	5	16	8	32	8	155	9	44	15
Ontario	192	121	8	12	4	2	5	12	3	17	...	8	...
Orange	152	119	3	4	2	...	...	6	1	16	1	...	...
Orleans	33	22	1	1	...	...	...	2	...	1	...	5	1
Oswego	65	45	2	5	...	2	...	5	...	3	1	2	...
Otsego	16	14	...	...	...	...	...	...	...	...	...	2	...
Putman	164	102	25	3	2	...	1	18	2	4	...	7	...
Rensselaer	303	210	25	5	3	1	3	11	3	32	2	3	4
Rockland	605	382	80	15	1	4	5	43	22	29	1	19	4
St. Lawrence	182	144	5	2	3	2	2	1	...	20	...	2	1
Saratoga	254	187	22	7	3	...	2	7	3	18	1	2	2
Schenectady	29	20	1	...	...	1	1	2	...	4	...	...	...
Schoharie	67	48	5	1	1	2	1	...	2	6	...	1	...
Schuyler	38	26	7	...	...	...	1	...	...	4	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...	...	...
Steuben	77	61	3	...	...	2	...	6	1	4	...	...	...
Suffolk	1,981	1,361	225	47	17	8	16	85	40	91	6	71	14
Sullivan	105	77	6	...	...	...	...	6	...	12	1	2	1
Tioga	65	50	5	1	...	...	...	1	...	2	...	4	2
Tompkins	127	79	8	6	...	1	2	5	...	18	1	4	3
Ulster	281	188	26	7	2	7	2	6	3	29	3	8	...
Warren	86	58	10	1	...	1	...	2	...	..	...	14	...
Washington	24	19	2	...	...	...	1	...	1	1	...	...	...
Wayne	134	110	5	3	...	1	...	2	...	13	...	...	...
Westchester	1,536	715	129	21	10	15	13	161	59	226	26	136	25
Wyoming	26	20	...	1	...	...	1	1	1	1	...	1	...
Yates	9	7	...	...	...	...	...	2	...	...	...	...	...

Table A-109
FAMILY COURT
Original Dispositions Of Family Offense Petitions: Allegations In Petitions
1987

Location	Total	Assault 2	Assault 3	Attempted Assault	Reckless Endangerment	Menacing	Harassment	Dis-Orderly Conduct	Other
Total New York State	62,275	3,854	12,113	2,442	3,144	5,830	22,020	10,269	2,603
Total New York City	36,712	3,192	6,826	1,017	2,020	4,355	12,610	4,318	2,374
New York	4,431	228	1,354	39	51	247	1,953	435	124
Kings	12,719	1,981	1,818	290	361	1,854	4,870	516	1,029
Queens	11,605	454	1,534	517	1,508	1,943	3,285	2,207	157
Bronx	6,292	484	1,815	110	38	246	1,590	970	1,039
Richmond	1,665	45	305	61	62	65	912	190	25
Total Upstate	25,563	662	5,287	1,425	1,124	1,475	9,410	5,951	229
Albany	509	8	82	21	15	21	58	301	3
Allegany	95	3	12	5	5	3	61	6	...
Broome	251	78	60	2	3	...	107	1	...
Cattaraugus	19	...	...	...	2	3	12	2	...
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	119	...	8	...	9	7	45	50	...
Chemung	147	1	7	5	10	5	115	2	2
Chenango	110	...	27	1	3	1	38	34	6
Clinton	50	2	1	3	3	2	39	...	...
Columbia	124	...	5	2	5	8	98	6	...
Cortland	240	...	4	2	82	70	82	...	...
Delaware	270	51	63	39	3	9	62	28	15
Dutchess	1,064	12	60	66	92	108	498	205	23
Erie	1,569	2	435	3	23	47	452	606	1
Essex	60	1	11	2	7	5	30	2	2
Franklin	57	1	1	3	...	1	31	20	...
Fulton	232	2	14	10	9	13	133	48	3
Genesee	148	1	6	23	14	12	88	4	...
Greene	121	5	11	4	5	3	79	13	1
Hamilton	25	3	5	5	3	2	5	2	...
Herkimer	390	52	12	69	59	47	108	32	11
Jefferson	467	3	1	...	2	1	234	227	...
Lewis	116	22	27	26	9	12	10	5	5
Livingston	26	...	4	2	...	...	20	...	...
Madison	177	5	19	9	5	10	117	9	3
Monroe	1,125	19	484	34	21	91	406	70	...
Montgomery	157	...	22	32	22	20	55	6	...
Nassau	5,678	85	2,103	85	117	250	503	2,521	14
Niagara	220	8	3	...	13	17	170	9	...
Oneida	472	32	45	47	52	63	185	45	3
Onondaga	1,025	5	341	21	25	50	440	128	15
Ontario	259	...	109	3	12	10	81	43	1
Orange	210	2	63	22	8	7	92	14	2
Orleans	44	1	8	7	2	2	23	1	...
Oswego	91	1	19	12	4	6	41	8	...
Otsego	16	...	...	...	...	...	16	...	...
Putman	319	13	39	23	27	45	119	52	1
Rensselaer	432	...	128	7	15	16	118	148	...
Rockland	1,574	140	303	183	114	136	369	277	52
St. Lawrence	470	...	116	14	16	7	167	148	2
Saratoga	359	19	63	22	26	20	188	15	6
Schenectady	41	10	5	2	2	3	16	3	...
Schoharie	184	3	38	46	45	13	21	9	9
Schuyler	56	...	11	1	2	2	35	5	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	153	12	26	16	10	18	43	24	4
Suffolk	1,987	1	...	1	...	7	1,959	15	4
Sullivan	130	27	14	19	8	10	43	9	...
Tioga	67	...	1	...	2	...	64	...	...
Tompkins	269	1	28	21	29	28	107	55	...
Ulster	282	1	8	...	...	1	272	...	...
Warren	102	1	17	22	4	2	48	7	1
Washington	50	12	4	11	7	5	11	...	...
Wayne	145	4	5	2	1	2	93	38	...
Westchester	3,195	14	397	462	171	253	1,171	687	40
Wyoming	55	...	11	8	1	...	24	11	...
Yates	10	...	1	...	...	1	8	...	...

Note The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition.

Table A-110
FAMILY COURT
Original Dispositions Of Family Offense Petitions: Breakdown Of Dispositions (Allegations Not Established)
1987

Location	Total	With-drawn	Consoli-dated	Change Of Venue	Transfer To Criminal Court	Dism. After Fact Finding Hearing	Dis-missed Failure To Prosecute	Other Dis-missal	Total Disposi-tions Estab-lished
Total New York State	39,487	5,392	44	27	21	534	16,152	3,234	14,083
Total New York City	22,591	1,708	12	8	6	287	12,860	1,614	6,096
New York	3,359	306	4	2	1	82	1,586	196	1,182
Kings	8,373	472	8	2	1	112	5,022	931	1,825
Queens	5,120	417	...	2	1	38	2,701	261	1,700
Bronx	4,602	371	...	1	2	51	3,040	195	942
Richmond	1,137	142	...	1	1	4	511	31	447
Total Upstate	16,896	3,684	32	19	15	247	3,292	1,620	7,987
Albany	486	18	...	1	...	4	151	99	213
Allegany	79	14	...	...	...	...	3	8	54
Broome	250	42	...	1	...	1	15	47	144
Cattaraugus	15	4	1	...	...	...	3	...	7
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	108	40	...	...	...	...	13	7	48
Chemung	128	21	...	...	...	4	7	24	72
Chenango	103	21	...	...	...	1	...	21	60
Clinton	44	31	...	...	...	...	...	...	13
Columbia	110	60	2	1	...	1	14	3	29
Cortland	96	29	...	...	...	1	15	4	47
Delaware	117	15	1	2	...	1	29	11	58
Dutchess	582	162	...	...	...	26	187	43	164
Erie	1,563	85	...	...	...	3	220	256	999
Essex	39	11	...	...	...	1	1	2	24
Franklin	50	10	...	...	...	...	2	4	34
Fulton	163	41	...	...	...	2	20	3	97
Genesee	97	25	...	...	...	3	7	...	62
Greene	103	28	1	...	...	1	8	16	49
Hamilton	11	2	...	...	...	2	...	...	7
Herkimer	178	68	1	...	...	2	12	16	79
Jefferson	251	102	...	...	...	...	29	24	96
Lewis	40	10	...	...	...	...	1	...	29
Livingston	25	5	...	...	...	...	...	...	20
Madison	149	42	...	...	...	1	1	19	86
Monroe	824	181	...	...	3	2	46	156	436
Montgomery	78	16	...	...	...	4	7	14	37
Nassau	3,397	893	13	5	6	138	773	90	1,479
Niagara	217	67	...	...	...	8	25	12	105
Oneida	244	86	...	...	...	2	32	6	118
Onondaga	798	136	3	1	1	5	207	99	346
Ontario	192	29	...	...	...	3	7	10	143
Orange	152	20	...	...	...	2	34	6	90
Orleans	33	7	...	...	...	...	4	4	18
Oswego	65	20	...	...	...	...	11	2	32
Otsego	16	9	...	...	...	...	1	...	6
Putman	164	49	...	...	...	2	24	6	83
Rensselaer	303	61	2	4	1	3	80	6	146
Rockland	605	74	2	...	...	1	134	36	358
St. Lawrence	182	14	...	...	...	...	...	32	136
Saratoga	254	83	...	...	...	2	22	11	136
Schenectady	29	7	...	...	...	1	2	...	19
Schoharie	67	21	...	...	...	1	5	4	36
Schuyler	38	1	...	...	...	...	15	2	20
Seneca	...	...	...	...	...	...	...	...	...
Steuben	77	16	2	...	...	...	3	9	47
Suffolk	1,981	384	1	1	1	9	436	369	780
Sullivan	105	32	1	2	1	...	13	10	46
Tioga	65	14	...	...	...	...	3	2	46
Tompkins	127	34	...	...	...	...	13	6	74
Ulster	281	128	...	...	...	3	37	27	86
Warren	86	23	...	...	...	2	3	1	57
Washington	24	12	...	...	...	...	1	...	11
Wayne	134	64	...	...	...	...	9	7	54
Westchester	1,536	302	2	...	2	5	607	81	537
Wyoming	26	10	...	...	...	...	...	4	12
Yates	9	5	...	1	...	...	...	1	2

Table A-111
FAMILY COURT
Original Dispositions Of Family Offense Petitions: Breakdown Of Dispositions (Allegations Established)
1987

Location	Total	Suspended Judgment	Probation	Order Of Protection	Probation & Order Of Protection
Total New York State	14,083	26	38	13,982	37
Total New York City	6,096	7	13	6,064	12
New York	1,182	1	3	1,176	2
Kings	1,825	3	8	1,810	4
Queens	1,700	1	...	1,698	1
Bronx	942	1	2	937	2
Richmond	447	1	...	443	3
Total Upstate	7,987	19	25	7,918	25
Albany	213	...	...	213	...
Allegany	54	...	...	54	...
Broome	144	...	1	141	2
Cattaraugus	7	...	...	6	1
Cayuga	...	...	...	...	...
Chautauqua	48	...	...	48	...
Chemung	72	3	...	69	...
Chenango	60	...	...	60	...
Clinton	13	...	...	13	...
Columbia	29	...	...	29	...
Cortland	47	...	...	47	...
Delaware	58	...	...	58	...
Dutchess	164	...	1	162	1
Erie	999	...	1	998	...
Essex	24	...	...	24	...
Franklin	34	...	...	34	...
Fulton	97	...	...	97	...
Genesee	62	4	1	56	1
Greene	49	...	...	49	...
Hamilton	7	2	...	5	...
Herkimer	79	...	5	71	3
Jefferson	96	...	...	96	...
Lewis	29	...	...	29	...
Livingston	20	...	...	20	...
Madison	86	...	2	83	1
Monroe	436	...	...	436	...
Montgomery	37	3	...	34	...
Nassau	1,479	...	4	1,464	11
Niagara	105	...	1	104	...
Oneida	118	...	...	118	...
Onondaga	346	...	...	346	...
Ontario	143	...	...	143	...
Orange	90	...	...	90	...
Orleans	18	...	...	18	...
Oswego	32	...	...	32	...
Otsego	6	...	...	6	...
Putman	83	...	...	83	...
Rensselarr	146	...	...	146	...
Rockland	358	1	...	357	...
St. Lawrence	136	...	...	136	...
Saratoga	136	1	...	135	...
Schenectady	19	...	1	18	...
Schoharie	36	4	...	32	...
Schuyler	20	...	...	20	...
Seneca	...	...	...	...	...
Steuben	47	...	...	47	...
Suffolk	780	...	3	777	...
Sullivan	46	...	...	46	...
Tioga	46	...	1	45	...
Tompkins	74	1	...	72	1
Ulster	86	...	1	83	2
Warren	57	...	...	57	...
Washington	11	...	...	11	...
Wayne	54	...	...	54	...
Westchester	537	...	3	532	2
Wyoming	12	...	...	12	...
Yates	2	...	...	2	...

Table A-112
FAMILY COURT
Original Dispositions Of Persons In Need Of Supervision Petitions
Days From Filing Petition To Completion Of Fact-Finding Hearing
1987

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applic-able*
Total New York State	6,746	735	544	508	489	1,041	254	92	6	...	3,077
Total New York City	1,412	53	27	18	17	119	34	17	2	...	1,125
New York	211	3	1	2	2	8	1	1	...	...	193
Kings	629	30	18	10	9	57	18	9	1	...	477
Queens	352	14	7	2	7	37	13	5	...	...	271
Bronx	138	4	...	1	3	6	...	1	1	...	122
Richmond	92	2	1	3	...	11	2	1	...	...	62
Total Upstate	5,334	682	517	490	472	922	220	75	4	...	1,952
Albany	358	42	30	54	56	64	6	1	...	...	105
Allegany	37	2	1	5	2	11	3	...	...	...	13
Broome	52	7	4	13	9	5	...	...	...	...	14
Cattaraugus	65	3	2	2	5	26	3	1	...	...	23
Cayuga	...	...	...	...	...	...	...	...	...	...	
Chautauqua	58	1	4	11	15	15	1	...	...	...	11
Chemung	77	6	22	21	14	6	3	...	...	...	5
Chenango	17	1	3	4	4	1	...	1	...	...	3
Clinton	37	3	6	7	4	13	1	1	...	...	2
Columbia	35	2	2	5	1	4	3	1	...	...	17
Cortland	41	5	6	4	3	10	6	1	...	...	6
Delaware	6	...	1	...	...	1	1	1	...	...	2
Dutchess	67	...	1	8	4	18	5	1	...	...	30
Erie	978	307	105	38	30	63	25	5	...	...	405
Essex	11	1	2	2	...	1	1	...	...	...	4
Franklin	22	...	...	1	4	8	1	...	...	...	8
Fulton	30	2	4	6	...	5	4	...	...	...	9
Genesee	41	3	7	5	7	10	2	...	...	...	7
Greene	32	3	2	3	5	10	2	2	...	...	5
Hamilton	2	...	1	...	...	...	...	...	...	...	1
Herkimer	40	...	1	...	...	3	4	15	...	...	17
Jefferson	54	2	3	6	6	11	4	1	...	...	21
Lewis	22	10	4	2	...	4	...	...	...	...	2
Livingston	43	1	...	4	2	4	3	...	...	...	29
Madison	38	...	2	2	5	11	1	1	...	...	16
Monroe	353	51	66	31	16	38	9	1	...	...	141
Montgomery	15	3	1	2	4	4	1	...	...	...	...
Nassau	209	22	38	55	28	22	7	2	1	...	34
Niagara	145	13	31	24	21	25	3	...	...	...	28
Oneida	115	14	15	11	15	28	1	...	...	...	31
Onondaga	385	7	13	20	40	83	16	12	1	...	193
Ontario	51	5	7	4	11	12	2	...	...	...	10
Orange	223	5	15	37	16	36	14	1	...	...	99
Orleans	23	6	5	1	3	3	...	...	...	...	5
Oswego	64	3	2	7	14	23	4	...	1	...	10
Otsego	12	3	1	3	...	3	...	...	...	...	2
Putman	41	1	2	2	1	8	4	3	...	...	20
Rensselaer	287	10	6	9	19	93	19	6	...	...	125
Rockland	58	11	4	4	9	16	3	1	...	...	10
St. Lawrence	28	5	10	...	...	8	...	1	...	...	4
Saratoga	112	32	21	19	4	15	1	1	...	...	19
Schenectady	18	6	3	1	...	4	...	...	...	...	4
Schoharie	20	7	8	...	...	1	...	...	...	...	4
Schuyler	12	1	1	2	...	5	...	1	...	...	2
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	71	5	3	3	8	24	8	4	...	...	16
Suffolk	229	9	2	7	5	17	14	1	...	...	174
Sullivan	88	7	7	14	21	12	3	...	...	...	24
Tioga	24	4	6	3	1	8	1	...	...	...	1
Tompkins	41	...	5	...	...	3	4	...	...	...	29
Ulster	133	...	2	4	20	42	9	1	...	...	55
Warren	49	11	9	9	6	6	1	1	...	...	6
Washington	80	14	12	6	12	19	...	...	...	...	17
Wayne	37	3	1	1	1	7	2	1	...	...	21
Westchester	204	19	8	5	16	45	12	4	1	...	94
Wyoming	36	3	...	2	5	5	1	1	...	...	19
Yates	8	1	...	1	...	3	2	1	...	...	...

*Disposed before fact-finding

Table A-113
FAMILY COURT
Original Dispositions Of Persons In Need Of Supervision Petitions: Days From Completion Of Fact-Finding Hearing To Completion Of Dispositional Hearing
1987

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applic-able*
Total New York State	6,746	716	39	75	183	1,754	482	383	33	4	3,077
Total New York City	1,412	33	1	...	5	95	62	86	3	2	1,125
New York	211	3	...	...	2	10	1	1	...	1	193
Kings	629	16	...	...	...	50	24	61	1	...	477
Queens	352	10	...	...	3	24	27	15	2	...	271
Bronx	138	1	...	...	...	4	7	4	...	...	122
Richmond	82	3	1	..	...	7	3	5	...	1	62
Total Upstate	5,334	683	38	75	178	1,659	420	297	30	2	1,952
Albany	358	7	1	1	28	149	51	16	...	...	105
Allegany	37	17	...	...	1	5	1	...	...	...	13
Broome	52	8	1	5	7	13	4	...	...	...	14
Cattaraugus	65	10	...	...	1	24	6	1	...	...	23
Cayuga	...	...	...	...	...	...	...	...	...	...	
Chautauqua	58	3	1	1	14	23	5	...	...	...	11
Chemung	77	2	...	...	2	52	15	1	...	...	5
Chenango	17	5	...	...	1	3	4	...	1	...	3
Clinton	37	17	...	...	2	10	3	3	...	...	2
Columbia	35	15	...	...	...	2	1	...	...	...	17
Cortland	41	12	...	3	1	13	6	...	...	...	6
Delaware	6	2	...	...	...	...	1	1	...	...	2
Dutchess	67	9	...	...	...	14	7	7	...	...	30
Erie	978	259	1	6	28	158	26	92	3	...	405
Essex	11	2	...	...	2	2	1	...	...	...	4
Franklin	22	1	...	...	1	4	5	3	...	...	8
Fulton	30	4	...	1	...	9	5	2	...	...	9
Genesee	41	...	...	...	7	22	2	2	1	...	7
Greene	32	7	...	1	...	13	3	3	...	...	5
Hamilton	2	...	...	...	...	...	...	...	1	...	1
Herkimer	40	10	...	...	...	3	1	9	...	...	17
Jefferson	54	32	...	...	...	...	1	...	...	...	21
Lewis	22	1	2	3	7	7	...	...	...	...	2
Livingston	43	10	...	2	...	2	...	...	...	...	29
Madison	38	3	1	...	1	11	4	2	...	...	16
Monroe	353	4	2	4	13	163	15	4	7	...	141
Montgomery	15	2	...	1	...	10	2	...	...	...	...
Nassau	209	7	...	...	3	96	57	9	3	...	34
Niagara	145	30	2	11	6	42	16	10	...	...	28
Oneida	115	2	1	4	7	61	7	2	...	...	31
Onondaga	385	13	1	...	8	128	23	19	...	...	193
Ontario	51	7	...	2	3	17	4	8	...	...	10
Orange	223	1	...	...	...	85	11	26	1	...	99
Orleans	23	3	...	...	2	11	2	...	...	...	5
Oswego	64	6	...	...	4	33	11	...	...	...	10
Otsego	12	1	...	2	...	7	...	...	...	...	2
Putman	41	7	1	...	1	12	...	...	...	...	20
Rensselaer	287	9	8	2	5	120	15	3	...	...	125
Rockland	58	6	...	1	...	24	15	1	1	...	10
St. Lawrence	28	...	...	...	2	20	2	...	...	...	4
Saratoga	112	6	2	13	2	42	6	22	...	...	19
Schenectady	18	11	1	...	...	1	1	...	...	...	4
Schoharie	20	1	...	2	1	9	...	3	...	...	4
Schuyler	12	2	...	1	2	5	...	...	...	...	2
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	71	8	...	...	...	19	13	15	...	...	16
Suffolk	229	7	...	2	4	21	8	6	5	2	174
Sullivan	88	4	7	3	1	44	5	...	...	...	24
Tioga	24	1	1	...	...	10	8	3	...	...	1
Tompkins	41	6	...	...	1	4	1	...	...	...	29
Ulster	133	9	...	...	2	59	8	...	...	...	55
Warren	49	14	2	3	4	11	5	2	2	...	6
Washington	80	59	2	...	...	2	...	...	...	...	17
Wayne	37	1	...	...	...	7	4	4	...	...	21
Westchester	204	7	...	1	4	51	26	16	5	...	94
Wyoming	36	11	...	...	...	2	2	2	...	...	19
Yates	8	2	1	...	...	4	1	...	...	...	...

*Disposed before fact-finding

Table A-114
FAMILY COURT
Original Dispositions Of Persons In Need Of Supervision Petitions: Age Of Boys When Petition Filed
1987

Location	Total	5 or Younger	6-8	9-11	12-14	15 or More
Total New York State	3,489	...	34	243	1,690	1,522
Total New York City	734	...	...	39	379	316
New York	92	...	...	4	45	43
Kings	327	...	...	21	180	126
Queens	193	...	...	8	95	90
Bronx	82	...	...	5	40	37
Richmond	40	...	...	1	19	20
Total Upstate	2,755	...	34	204	1,311	1,206
Albany	159	...	4	19	65	71
Allegany	17	...	...	2	7	8
Broome	25	...	...	1	17	7
Cattaraugus	39	...	...	1	24	14
Cayuga	...	...	...	...	...	...
Chautauqua	35	...	2	2	18	13
Chemung	33	...	1	2	20	10
Chenango	8	...	...	...	6	2
Clinton	18	...	...	3	7	8
Columbia	26	...	1	4	12	9
Cortland	25	...	...	2	10	13
Delaware	6	...	...	...	4	2
Dutchess	35	...	...	1	12	22
Erie	529	...	8	43	252	226
Essex	3	...	...	...	2	1
Franklin	14	...	...	2	6	6
Fulton	14	...	...	1	8	5
Genesee	18	...	...	...	9	9
Greene	19	...	...	...	10	9
Hamilton	...	...	...	...	...	...
Herkimer	29	...	...	8	10	11
Jefferson	24	...	...	4	8	12
Lewis	12	...	...	...	5	7
Livingston	31	...	2	1	18	10
Madison	23	...	...	3	12	8
Monroe	146	...	...	7	78	61
Montgomery	6	...	1	...	3	2
Nassau	98	...	...	5	43	50
Niagara	81	...	...	8	43	30
Oneida	62	...	...	2	23	37
Onondaga	192	...	2	14	95	81
Ontario	21	...	3	...	9	9
Orange	111	...	1	2	45	63
Orleans	13	...	...	1	4	8
Oswego	24	...	...	4	8	12
Otsego	7	...	...	...	4	3
Putman	15	...	...	2	8	5
Rensselaer	187	...	3	23	90	71
Rockland	26	...	1	1	7	17
St. Lawrence	16	...	1	...	7	8
Saratoga	55	...	1	4	30	20
Schenectady	5	...	...	...	3	2
Schoharie	10	...	...	...	7	3
Schuyler	7	...	...	1	4	2
Seneca	...	...	...	...	...	...
Steuben	39	...	...	2	21	16
Suffolk	106	...	2	6	41	57
Sullivan	40	...	1	...	20	19
Tioga	12	...	...	3	9	...
Tompkins	17	...	...	1	11	5
Ulster	73	...	...	2	37	34
Warren	31	...	...	1	12	18
Washington	48	...	...	8	22	18
Wayne	17	...	...	1	7	9
Westchester	124	...	...	4	64	56
Wyoming	17	...	...	1	11	5
Yates	7	...	...	2	3	2

Table A-115
FAMILY COURT
Original Dispositions Of Persons In Need Of Supervision Petitions: Age Of Girls When Petition Filed
1987

Location	Total	5 or Younger	6-8	9-11	12-14	15 or More
Total New York State	3,257	...	8	82	1,677	1,490
Total New York City	678	...	1	12	361	304
New York	119	...	...	1	51	67
Kings	302	...	...	6	186	110
Queens	159	...	1	4	70	84
Bronx	56	...	...	1	33	22
Richmond	42	...	...	...	21	21
Total Upstate	2,579	...	7	70	1,316	1,186
Albany	199	...	...	6	86	107
Allegany	20	...	...	...	12	8
Broome	27	...	...	...	14	13
Cattaraugus	26	...	...	...	10	16
Cayuga	...	...	...	...	...	...
Chautauqua	23	...	...	1	19	3
Chemung	44	...	...	...	23	21
Chenango	9	...	...	...	4	5
Clinton	19	...	...	...	11	8
Columbia	9	...	...	1	5	3
Cortland	16	...	...	...	12	4
Delaware	...	...	...	...	...	...
Dutchess	32	...	...	1	22	9
Erie	449	...	2	16	241	190
Essex	8	...	...	...	3	5
Franklin	8	...	...	...	3	5
Fulton	16	...	...	1	9	6
Genesee	23	...	...	...	13	10
Greene	13	...	...	1	5	7
Hamilton	2	...	...	...	...	2
Herkimer	11	...	...	...	4	7
Jefferson	30	...	1	2	11	16
Lewis	10	...	...	...	2	8
Livingston	12	...	...	...	7	5
Madison	15	...	...	...	5	10
Monroe	207	...	...	6	113	88
Montgomery	9	...	...	...	7	2
Nassau	111	...	...	...	53	58
Niagara	64	...	...	1	40	23
Oneida	53	...	...	1	26	26
Onondaga	193	...	1	6	104	82
Ontario	30	...	...	...	11	19
Orange	112	...	2	3	56	51
Orleans	10	...	...	...	4	6
Oswego	40	...	...	...	29	11
Otsego	5	...	...	...	1	4
Putman	26	...	...	...	12	14
Rensselaer	100	...	...	5	52	43
Rockland	32	...	...	...	11	21
St. Lawrence	12	...	...	...	6	6
Saratoga	57	...	...	3	31	23
Schenectady	13	...	...	...	5	8
Schoharie	10	...	...	...	5	5
Schuyler	5	...	...	1	...	4
Seneca	...	...	...	...	...	...
Steuben	32	...	...	1	21	10
Suffolk	123	...	...	4	53	66
Sullivan	48	...	...	1	26	21
Tioga	12	...	...	...	9	3
Tompkins	24	...	...	...	11	13
Ulster	60	...	...	2	26	32
Warren	18	...	...	...	7	11
Washington	32	...	...	3	15	14
Wayne	20	...	...	1	12	7
Westchester	80	...	1	3	42	34
Wyoming	19	...	...	...	7	12
Yates	1	...	...	...	...	1

Table A-116
FAMILY COURT
Original Dispositions Of Persons In Need Of Supervision Petitions: Type of Petition
1987

Location	Total	Original Pins Petition	Pins Petition Substituted for JD Petition
Total New York State	6,746	6,521	225
Total New York City	1,412	1,375	37
New York	211	202	9
Kings	629	616	13
Queens	352	341	11
Bronx	138	135	3
Richmond	82	81	1
Total Upstate	5,334	5,146	188
Albany	358	357	1
Allegany	37	34	3
Broome	52	49	3
Cattaraugus	65	65	...
Cayuga	...	...	...
Chautauqua	58	58	...
Chemung	77	77	...
Chenango	17	17	...
Clinton	37	33	4
Columbia	35	32	3
Cortland	41	41	...
Delaware	6	5	1
Dutchess	67	67	...
Erie	978	971	7
Essex	11	11	...
Franklin	22	22	...
Fulton	30	30	...
Genesee	41	38	3
Greene	32	32	...
Hamilton	2	2	...
Herkimer	40	39	1
Jefferson	54	51	3
Lewis	22	20	2
Livingston	43	37	6
Madison	38	38	...
Monroe	353	340	13
Montgomery	15	15	...
Nassau	209	198	11
Niagara	145	135	10
Oneida	115	113	2
Onondaga	385	375	10
Ontario	51	46	5
Orange	223	222	1
Orleans	23	23	...
Oswego	64	64	...
Otsego	12	12	...
Putman	41	35	6
Rensselaer	287	274	13
Rockland	58	57	1
St. Lawrence	28	20	8
Saratoga	112	110	2
Schenectady	18	18	...
Schoharie	20	16	4
Schuyler	12	7	5
Seneca	...	...	...
Steuben	71	71	...
Suffolk	229	211	18
Sullivan	88	87	1
Tioga	24	23	1
Tompkins	41	36	5
Ulster	133	133	...
Warren	49	46	3
Washington	80	58	22
Wayne	37	36	1
Westchester	204	201	3
Wyoming	36	34	2
Yates	8	4	4

Table A-117
FAMILY COURT
Original Dispositions Of Persons In Need Of Supervision Petitions: Type Of Petitioner
1987

Location	Total	Police/ Peace Officer	Parent/ Legal Guardian	Injured Individual Or Parent Relative Guardian of Injured Individual	Witness To Injury	School	Author- ized Agency	Presentment Agency that Consented to Substitute Pins For JD Petition	Other
Total New York State	6,746	111	4,510	118	4	1,696	115	154	38
Total New York City	1,412	24	1,295	14	2	50	9	11	7
New York	211	4	190	6	...	1	4	4	2
Kings	629	11	575	3	1	29	3	4	3
Queens	352	5	328	1	1	11	1	3	2
Bronx	138	4	133	1	...	...	...	...	...
Richmond	82	...	69	3	...	9	1	...	...
Total Upstate	5,334	87	3,215	104	2	1,646	106	143	31
Albany	358	3	234	18	...	103	...	...	...
Allegany	37	...	23	...	...	12	...	2	...
Broome	52	...	27	...	...	23	2	...	...
Cattaraugus	65	...	11	...	...	50	2	...	2
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	58	...	36	...	...	21	1	...	...
Chemung	77	1	55	...	...	17	3	...	1
Chenango	17	...	13	...	...	4	...	...	...
Clinton	37	...	23	...	...	7	3	4	...
Columbia	35	1	16	...	...	15	...	3	...
Cortland	41	...	23	...	...	16	1	...	1
Delaware	6	...	3	...	...	2	...	1	...
Dutchess	67	4	33	2	...	28	...	...	...
Erie	978	1	788	28	...	136	12	...	13
Essex	11	...	7	...	...	4	...	...	...
Franklin	22	1	10	...	...	9	2	...	...
Fulton	30	2	19	...	...	9	...	...	...
Genesee	41	1	24	...	...	13	...	3	...
Greene	32	1	11	...	...	20	...	...	...
Hamilton	2	...	2	...	...	...	...	...	...
Herkimer	40	...	17	8	...	13	1	1	...
Jefferson	54	...	20	...	...	23	8	3	...
Lewis	22	2	16	...	...	3	...	1	...
Livingston	43	3	19	3	...	10	3	5	...
Madison	38	1	23	...	...	13	1	...	...
Monroe	353	4	270	...	...	52	18	8	1
Montgomery	15	2	6	...	...	7	...	...	...
Nassau	209	2	138	1	...	57	2	8	1
Niagara	145	...	104	...	...	28	5	8	...
Oneida	115	...	49	...	...	65	...	1	...
Onondaga	385	4	265	16	...	94	2	4	...
Ontario	51	1	26	...	...	19	...	5	...
Orange	223	2	101	8	...	111	...	...	1
Orleans	23	...	14	...	...	9	...	...	...
Oswego	64	...	36	1	...	25	1	...	1
Otsego	12	...	7	...	...	4	...	...	1
Putman	41	...	16	...	...	18	1	6	...
Rensselaer	287	3	129	...	...	137	3	12	3
Rockland	58	1	29	4	...	22	1	1	...
St. Lawrence	28	1	6	...	...	9	4	8	...
Saratoga	112	...	80	...	...	26	3	2	1
Schenectady	18	...	13	...	...	5	...	...	...
Schoharie	20	...	7	...	...	9	...	4	...
Schuyler	12	1	3	...	...	3	...	5	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	71	2	41	...	...	27	1	...	...
Suffolk	229	2	95	7	1	99	10	15	...
Sullivan	88	13	36	4	...	31	2	...	2
Tioga	24	1	13	...	...	10	...	...	...
Tompkins	41	1	18	1	1	12	4	4	...
Ulster	133	1	63	...	...	67	2	...	...
Warren	49	1	23	...	...	20	2	3	...
Washington	80	5	28	2	...	23	...	20	2
Wayne	37	13	16	...	...	8	...	...	...
Westchester	204	3	108	1	...	86	5	...	1
Wyoming	36	...	22	...	...	11	1	2	...
Yates	8	3	...	...	...	1	...	4	...

Table A-118
FAMILY COURT
Original Dispositions Of Persons In Need Of Supervision: Allegations In Petitions
1987

Location	Total	Habitual Truancy	Incorrigible Ungovernable Or Habitual Disobedience	221.05 Penal Law	Other
Total New York State	8,677	2,958	4,927	214	578
Total New York City	2,471	874	1,189	44	364
New York	339	113	184	7	35
Kings	1,157	434	528	10	185
Queens	564	196	300	20	48
Bronx	280	88	123	4	65
Richmond	131	43	54	3	31
Total Upstate	6,206	2,084	3,738	170	214
Albany	358	100	256	...	2
Allegany	42	12	28	...	2
Broome	56	23	31	...	2
Cattaraugus	79	51	25	2	1
Cayuga	...	...	...	...	...
Chautauqua	77	24	42	11	...
Chemung	83	23	60	...	...
Chenango	18	4	9	...	5
Clinton	63	21	34	4	4
Columbia	37	14	19	1	3
Cortland	43	16	26	...	1
Delaware	6	2	4	...	...
Dutchess	69	33	33	...	3
Erie	985	141	843	...	1
Essex	15	7	8	...	...
Franklin	23	9	14	...	...
Fulton	44	14	26	4	...
Genesee	69	30	35	1	3
Greene	39	21	17	1	...
Hamilton	3	1	2	...	...
Herkimer	44	18	26	...	...
Jefferson	61	23	34	...	4
Lewis	26	6	19	...	1
Livingston	51	11	29	2	9
Madison	42	15	27	...	...
Monroe	509	141	285	34	49
Montgomery	25	13	9	1	2
Nassau	209	58	142	1	8
Niagara	167	50	107	...	10
Oneida	130	74	54	1	1
Onondaga	406	110	290	5	1
Ontario	84	30	38	11	5
Orange	293	173	114	6	...
Orleans	29	10	19	...	...
Oswego	78	29	48	1	...
Otsego	13	4	9	...	...
Putman	53	26	20	...	7
Rensselaer	380	143	192	25	20
Rockland	75	39	34	1	1
St. Lawrence	28	1	22	...	5
Saratoga	128	30	98	...	...
Schenectady	21	7	12	...	2
Schoharie	29	10	15	2	2
Schuyler	14	4	6	...	4
Seneca	...	...	...	...	...
Steuben	90	29	49	8	4
Suffolk	229	99	107	14	9
Sullivan	91	33	49	4	5
Tioga	36	13	23	...	...
Tompkins	51	17	25	6	3
Ulster	191	101	70	20	...
Warren	57	26	28	...	3
Washington	107	33	51	...	23
Wayne	41	10	30	1	...
Westchester	260	140	114	2	4
Wyoming	41	11	27	1	2
Yates	8	1	4	...	3

Note: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition.

Table A-119
FAMILY COURT
Original Dispositions Of Persons In Need Of Supervision Petitions: Outcome Of Fact-Finding
1987

Location	Total	Allegations Established In Whole Or In Part After Fact-Finding Hearing	Allegations Established Whole Or In Part By Admission	Allegations Not Established After Fact-Finding Hearing	Not Applic-able*
Total New York State	6,746	153	3,416	101	3,076
Total New York City	1,412	12	262	13	1,125
New York	211	2	15	1	193
Kings	629	5	140	7	477
Queens	352	4	73	4	271
Bronx	138	1	14	1	122
Richmond	82	...	20	...	62
Total Upstate	5,334	141	3,154	88	1,951
Albany	358	1	252	...	105
Allegany	37	3	21	...	13
Broome	52	3	34	1	14
Cattaraugus	65	...	42	...	23
Cayuga	...	...	...	...	...
Chautauqua	58	1	42	4	11
Chemung	77	...	70	2	5
Chenango	17	2	11	1	3
Clinton	37	1	34	...	2
Columbia	35	1	17	...	17
Cortland	41	2	31	2	6
Delaware	6	...	4	...	2
Dutchess	67	2	35	...	30
Erie	978	19	551	3	405
Essex	11	...	7	...	4
Franklin	22	...	14	...	8
Fulton	30	1	19	1	9
Genesee	41	1	32	1	7
Greene	32	2	23	2	5
Hamilton	2	...	1	...	1
Herkimer	40	...	16	7	17
Jefferson	54	...	33	...	21
Lewis	22	...	19	1	2
Livingston	43	...	14	...	29
Madison	38	...	22	...	16
Monroe	353	24	186	2	141
Montgomery	15	...	15	...	...
Nassau	209	1	170	4	34
Niagara	145	3	113	1	28
Oneida	115	3	79	2	31
Onondaga	385	2	188	3	192
Ontario	51	6	27	8	10
Orange	223	6	114	4	99
Orleans	23	11	7	...	5
Oswego	64	...	53	1	10
Otsego	12	3	7	...	2
Putman	41	...	21	...	20
Rensselaer	287	8	150	4	125
Rockland	58	1	46	1	10
St. Lawrence	28	1	23	...	4
Saratoga	112	7	84	2	19
Schenectady	18	1	13	...	4
Schoharie	20	3	13	...	4
Schuyler	12	2	8	...	2
Seneca	...	...	...	...	...
Steuben	71	3	51	1	16
Suffolk	229	7	28	20	174
Sullivan	88	3	60	1	24
Tioga	24	1	22	...	1
Tompkins	41	...	12	...	29
Ulster	133	3	75	...	55
Warren	49	...	42	1	6
Washington	80	...	62	1	17
Wayne	37	2	13	1	21
Westchester	204	1	103	6	94
Wyoming	36	...	17	...	19
Yates	8	...	8	...	...

*Disposed before fact-finding.

Table A-120
FAMILY COURT
Original Dispositions Of Persons In Need Of Supervision Petitions: Duration Of Probation
1987

Location	Total	One Month Or Less	2-4 Months	5-7 Months	8-9 Months	10-11 Months	Twelve More Months
Total New York State	6,746	4,923	7	36	17	3	1,760
Total New York City	1,412	1,374	1	...	1	...	36
New York	211	207	...	...	...	...	4
Kings	629	612	...	...	...	...	17
Queens	352	341	...	...	1	...	10
Bronx	138	135	1	...	...	...	2
Richmond	82	79	...	...	...	...	3
Total Upstate	5,334	3,549	6	36	16	3	1,724
Albany	358	229	1	5	1	...	122
Allegany	37	27	...	...	...	...	10
Broome	52	42	...	1	...	...	9
Cattaraugus	65	45	...	1	...	...	19
Cayuga	...	...	...	...	...	...	...
Chautauqua	58	34	...	...	...	...	24
Chemung	77	42	...	...	...	...	35
Chenango	17	16	...	...	...	...	1
Clinton	37	20	...	1	...	...	16
Columbia	35	19	...	1	...	...	15
Cortland	41	28	...	...	...	...	13
Delaware	6	5	...	...	...	...	1
Dutchess	67	46	...	...	2	...	19
Erie	978	614	1	8	...	...	355
Essex	11	11	...	...	...	...	...
Franklin	22	18	...	...	...	...	4
Fulton	30	24	...	...	...	...	6
Genesee	41	17	...	...	...	...	24
Greene	32	21	...	...	...	...	11
Hamilton	2	2	...	...	...	...	...
Herkimer	40	33	...	1	...	...	6
Jefferson	54	31	...	1	1	...	21
Lewis	22	7	...	...	...	...	15
Livingston	43	34	...	...	...	...	9
Madison	38	30	...	...	...	...	8
Monroe	353	254	...	...	...	...	99
Montgomery	15	7	...	...	...	...	8
Nassau	209	90	...	...	...	...	119
Niagara	145	75	1	5	3	3	58
Oneida	115	83	...	...	5	...	27
Onondaga	385	298	1	1	...	...	85
Ontario	51	35	1	...	...	...	15
Orange	223	165	...	1	...	...	57
Orleans	23	19	...	...	...	...	4
Oswego	64	26	...	...	...	...	38
Otsego	12	9	...	...	...	...	3
Putman	41	22	...	...	...	...	19
Rensselaer	287	172	...	...	...	...	115
Rockland	58	29	...	...	...	...	29
St. Lawrence	28	21	...	...	...	...	7
Saratoga	112	82	...	...	...	...	30
Schenectady	18	16	...	...	...	...	2
Schoharie	20	13	...	...	...	...	7
Schuyler	12	8	...	...	...	...	4
Seneca	...	...	...	...	...	...	...
Steuben	71	53	...	...	...	...	18
Suffolk	229	203	...	1	1	...	24
Sullivan	88	60	...	...	...	...	28
Tioga	24	18	...	...	...	...	6
Tompkins	41	37	...	...	...	...	4
Ulster	133	89	...	...	...	...	44
Warren	49	37	1	2	2	...	7
Washington	80	44	...	1	...	...	35
Wayne	37	26	...	...	...	...	11
Westchester	204	135	...	6	1	...	62
Wyoming	36	28	...	...	...	...	8
Yates	8	...	...	...	...	...	8

Table A-121
FAMILY COURT
Original Dispositions Of Persons In Need Of Supervision Petitions: Breakdown Of Dispositions (Allegations Not Established)
1987

			Dispositions—Allegations Not Established					
Location	Total	With-drawn	Consolidated	Transferred to Other County	Dismissed After Fact-Finding Hearing	ACD	Other Dismissal	Total Dispositions Allegations Established
Total New York State	6,746	836	39	26	30	1,187	1,443	3,185
Total New York City	1,412	231	1	...	6	229	767	178
New York	211	34	...	...	1	2	158	16
Kings	629	97	...	...	1	152	298	81
Queens	352	50	1	...	3	58	185	55
Bronx	138	34	...	...	1	6	86	11
Richmond	82	16	...	...	...	11	40	15
Total Upstate	5,334	605	38	26	24	958	676	3,007
Albany	358	5	...	2	...	59	81	211
Allegany	37	1	...	...	...	10	2	24
Broome	52	2	...	...	1	5	4	40
Cattaraugus	65	6	...	1	1	14	2	41
Cayuga	...	...	...	...	...	...	...	...
Chautauqua	58	10	...	1	...	...	6	41
Chemung	77	2	3	...	...	3	2	67
Chenango	17	...	...	...	...	1	3	13
Clinton	37	2	...	...	...	4	...	31
Columbia	35	9	...	...	...	2	5	19
Cortland	41	...	1	...	4	3	3	30
Delaware	6	2	...	...	...	1	1	2
Dutchess	67	8	5	...	...	17	8	29
Erie	978	30	...	1	2	320	147	478
Essex	11	1	...	...	...	1	2	7
Franklin	22	1	...	...	...	7	2	12
Fulton	30	9	...	...	...	2	...	19
Genesee	41	...	...	...	...	4	7	30
Greene	32	2	...	...	1	7	2	20
Hamilton	2	...	...	...	...	2	...	...
Herkimer	40	12	...	...	1	10	2	15
Jefferson	54	8	4	...	...	4	4	34
Lewis	22	1	...	...	1	...	1	19
Livingston	43	8	...	...	...	18	3	14
Madison	38	6	...	...	...	8	2	22
Monroe	353	53	1	...	2	36	55	206
Montgomery	15	...	...	...	...	3	...	12
Nassau	209	18	...	4	...	5	15	167
Niagara	145	10	...	...	2	18	6	109
Oneida	115	18	...	...	...	5	10	82
Onondaga	385	52	...	...	...	66	79	188
Ontario	51	7	...	...	1	7	3	33
Orange	223	33	8	2	1	57	32	90
Orleans	23	4	...	...	...	...	1	18
Oswego	64	6	...	...	1	...	3	54
Otsego	12	...	...	...	...	1	1	10
Putman	41	6	1	...	...	11	1	22
Rensselaer	287	46	6	8	1	55	14	157
Rockland	58	6	...	...	...	3	5	44
St. Lawrence	28	...	...	...	...	...	5	23
Saratoga	112	11	...	2	...	28	4	67
Schenectady	18	2	...	...	...	9	1	6
Schoharie	20	...	...	...	...	3	3	14
Schuyler	12	...	...	...	...	2	...	10
Seneca	...	...	...	...	...	...	...	...
Steuben	71	6	1	1	...	13	17	33
Suffolk	229	77	...	1	2	47	68	34
Sullivan	88	9	1	...	...	13	4	61
Tioga	24	...	...	...	...	...	2	22
Tompkins	41	6	1	...	...	13	9	12
Ulster	133	21	...	...	...	22	10	80
Warren	49	...	...	...	1	2	6	40
Washington	80	6	...	1	1	8	3	61
Wayne	37	9	...	...	1	8	5	14
Westchester	204	71	6	...	...	8	24	95
Wyoming	36	3	...	2	...	13	1	17
Yates	8	...	...	...	...	...	...	8

Table A-122
FAMILY COURT
Original Dispositions Of Persons In Need Of Supervision Petitions: Breakdown Of Dispositions (Allegations Established)
1987

Location	Total	Discharged With Warning	Suspended Judgment	Probation	Placement		
					Home Rel.-Pvt. Person	Comm. Of Social Service	DFY
Total New York State	3,185	48	155	1,824	33	986	139
Total New York City	178	7	2	38	2	109	20
New York	16	1	...	4	1	8	2
Kings	81	3	1	17	...	51	9
Queens	55	...	...	11	...	35	9
Bronx	11	2	...	3	...	6	...
Richmond	15	1	1	3	1	9	...
Total Upstate	3,007	41	153	1,786	31	877	119
Albany	211	...	36	129	...	38	8
Allegany	24	...	1	10	1	11	1
Broome	40	...	1	10	3	26	...
Cattaraugus	41	1	3	20	...	17	...
Cayuga	...	...	...	...	...	...	...
Chautauqua	41	...	...	24	...	17	...
Chemung	67	...	4	35	1	23	4
Chenango	13	...	...	1	1	11	...
Clinton	31	...	1	17	...	12	1
Columbia	19	...	...	16	1	1	1
Cortland	30	...	3	13	...	10	4
Delaware	2	...	...	1	...	1	...
Dutchess	29	...	...	21	...	7	1
Erie	478	2	5	364	...	85	22
Essex	7	...	...	...	...	6	1
Franklin	12	...	...	4	...	8	...
Fulton	19	1	1	6	...	10	1
Genesee	30	...	2	24	...	4	...
Greene	20	...	...	11	...	7	2
Hamilton	...	...	...	...	...	...	...
Herkimer	15	1	...	7	...	5	2
Jefferson	34	...	...	23	1	10	...
Lewis	19	...	1	15	...	3	...
Livingston	14	...	2	9	...	2	1
Madison	22	...	1	8	1	12	...
Monroe	206	...	10	99	...	97	...
Montgomery	12	...	...	8	...	3	1
Nassau	167	1	14	119	...	5	28
Niagara	109	1	...	70	2	32	4
Oneida	82	5	...	32	...	36	9
Onondaga	188	...	7	68	1	90	2
Ontario	33	1	2	16	1	12	1
Orange	90	8	...	58	...	24	...
Orleans	18	...	...	4	1	12	1
Oswego	54	1	9	38	1	5	...
Otsego	10	...	1	3	...	5	1
Putman	22	...	...	19	...	3	...
Rensselaer	157	11	5	115	...	26	...
Rockland	44	...	1	29	...	14	...
St. Lawrence	23	...	...	7	...	16	...
Saratoga	67	...	1	30	...	32	4
Schenectady	6	...	...	2	1	2	1
Schoharie	14	...	...	7	...	7	...
Schuyler	10	...	...	4	...	2	4
Seneca	...	...	...	...	...	...	...
Steuben	33	...	1	18	1	10	3
Suffolk	34	1	...	26	3	2	2
Sullivan	61	...	9	28	4	19	1
Tioga	22	...	...	6	...	16	...
Tompkins	12	...	2	4	1	5	...
Ulster	80	3	5	44	2	23	3
Warren	40	2	6	12	1	16	3
Washington	61	1	~~17~~	36	1	6	...
Wayne	14	...	...	11	1	2	...
Westchester	95	1	...	69	...	23	2
Wyoming	17	...	2	8	1	6	...
Yates	8	...	...	8	...	...	...

Table A-123
FAMILY COURT
Original Dispositions Of Persons In Need Of Supervision Petitions: Restitution Of Public Service Recommended Or Ordered
1987

Location	Total	Rest. Or Pub. Serv. Recomm. Or Ordered	Rest. Or Pub. Serv. Not Recomm. Or Ordered
Total New York State	6,746	75	6,671
Total New York City	1,412	3	1,409
New York	211	...	211
Kings	629	2	627
Queens	352	1	351
Bronx	138	...	138
Richmond	82	...	82
Total Upstate	5,334	72	5,262
Albany	358	...	358
Allegany	37	1	36
Broome	52	...	52
Cattaraugus	65	...	65
Cayuga	...	...	...
Chautauqua	58	...	58
Chemung	77	1	76
Chenango	17	1	16
Clinton	37	...	37
Columbia	35	2	33
Cortland	41	...	41
Delaware	6	1	5
Dutchess	67	...	67
Erie	978	1	977
Essex	11	...	11
Franklin	22	...	22
Fulton	30	...	30
Genesee	41	1	40
Greene	32	...	32
Hamilton	2	...	2
Herkimer	40	...	40
Jefferson	54	2	52
Lewis	22	2	20
Livingston	43	2	41
Madison	38	...	38
Monroe	353	2	351
Montgomery	15	...	15
Nassau	209	...	209
Niagara	145	2	143
Oneida	115	...	115
Onondaga	385	1	384
Ontario	51	1	50
Orange	223	...	223
Orleans	23	...	23
Oswego	64	...	64
Otsego	12	1	11
Putman	41	6	35
Rensselaer	287	15	272
Rockland	58	...	58
St. Lawrence	28	...	28
Saratoga	112	...	112
Schenectady	18	...	18
Schoharie	20	...	20
Schuyler	12	1	11
Seneca	...	...	...
Steuben	71	...	71
Suffolk	229	9	220
Sullivan	88	2	86
Tioga	24	...	24
Tompkins	41	1	40
Ulster	133	1	132
Warren	49	1	48
Washington	80	10	70
Wayne	37	1	36
Westchester	204	...	204
Wyoming	36	2	34
Yates	8	2	6

Table A-124
FAMILY COURT
Original Dispositions Of Persons In Need Of Supervision Petitions: Children Released And Detained Before Petition Filed
1987

Location	Total	Not Released Pursuant to 728	Released Pursuant to 728	Not Applicable*
Total New York State	6,741	67	47	6,631
Total New York City	1,407	17	17	1,373
New York	211	4	15	192
Kings	626	...	1	625
Queens	351	11	1	339
Bronx	137	1	...	136
Richmond	82	1	...	81
Total Upstate	5,334	46	30	5,258
Albany	358	1	...	357
Allegany	37	...	...	37
Broome	52	...	...	52
Cattaraugus	65	1	1	63
Cayuga	...	...	...	...
Chautauqua	58	...	...	58
Chemung	77	2	...	75
Chenango	17	...	...	17
Clinton	37	...	1	36
Columbia	35	...	...	35
Cortland	41	1	...	40
Delaware	6	...	...	6
Dutchess	67	1	...	66
Erie	978	1	4	973
Essex	11	...	...	11
Franklin	22	...	...	22
Fulton	30	...	...	30
Genesee	41	...	...	41
Greene	32	...	...	32
Hamilton	2	...	...	2
Herkimer	40	...	...	40
Jefferson	54	...	...	54
Lewis	22	...	...	22
Livingston	43	2	...	41
Madison	38	...	...	38
Monroe	353	1	6	346
Montgomery	15	...	...	15
Nassau	209	4	...	205
Niagara	145	...	...	145
Oneida	115	...	...	115
Onondaga	385	19	10	356
Ontario	51	...	3	48
Orange	223	...	...	223
Orleans	23	1	...	22
Oswego	64	...	...	64
Otsego	12	1	...	11
Putman	41	...	...	41
Rensselaer	287	1	1	285
Rockland	58	...	1	57
St. Lawrence	28	1	1	26
Saratoga	112	...	...	112
Schenectady	18	1	...	17
Schoharie	20	1	...	19
Schuyler	12	1	...	11
Seneca	...	...	...	...
Steuben	71	...	...	71
Suffolk	229	...	...	229
Sullivan	88	...	...	88
Tioga	24	...	...	24
Tompkins	41	...	...	41
Ulster	133	...	1	132
Warren	49	1	...	48
Washington	80	1	...	79
Wayne	37	2	1	34
Westchester	204	...	...	204
Wyoming	36	2	...	34
Yates	8	...	...	8

*Respondent not detained.

Table A-125
FAMILY COURT
Original Dispositions Of Persons In Need Of Supervision Petitions: Children Released And Detained After Petition Filed
1987

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181 or More Days	Not Detained
Total New York State	6,744	160	109	118	184	541	92	14	5,526
Total New York City	1,410	26	13	18	40	165	40	7	1,101
New York	211	3	...	3	1	6	1	...	197
Kings	629	16	10	7	21	105	20	4	446
Queens	351	4	1	5	8	29	9	...	295
Bronx	137	1	2	3	6	16	3	1	105
Richmond	82	2	...	...	4	9	7	2	58
Total Upstate	5,334	134	96	100	144	376	52	7	4,425
Albany	358	...	...	5	54	36	6	1	256
Allegany	37	2	1	1	...	...	...	...	33
Broome	52	...	...	2	...	3	...	...	47
Cattaraugus	65	3	...	...	1	1	...	...	60
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	58	1	...	1	...	...	...	...	56
Chemung	77	...	1	...	2	8	2	...	64
Chenango	17	...	...	...	2	...	...	...	15
Clinton	37	3	...	...	...	1	...	...	33
Columbia	35	...	...	...	...	...	...	...	35
Cortland	41	4	2	...	4	6	1	...	24
Delaware	6	...	...	...	...	...	...	...	6
Dutchess	67	2	1	...	1	1	1	...	61
Erie	978	39	11	17	17	62	5	...	827
Essex	11	...	...	...	...	...	...	...	11
Franklin	22	...	...	...	3	...	...	...	19
Fulton	30	...	1	...	...	...	...	...	29
Genesee	41	...	...	...	...	...	...	...	41
Greene	32	...	...	...	...	...	...	...	32
Hamilton	2	...	...	...	...	...	...	...	2
Herkimer	40	1	...	...	...	1	...	2	36
Jefferson	54	...	...	...	...	1	...	...	53
Lewis	22	...	...	...	...	3	...	...	19
Livingston	43	2	...	...	2	...	...	...	39
Madison	38	3	2	...	...	3	4	1	25
Monroe	353	28	29	17	17	95	10	...	157
Montgomery	15	...	1	1	1	...	...	...	12
Nassau	209	1	1	2	1	6	...	...	198
Niagara	145	3	1	2	...	...	...	...	139
Oneida	115	1	3	3	2	5	...	...	101
Onondaga	385	5	7	7	10	65	12	1	278
Ontario	51	5	1	1	1	5	1	...	37
Orange	223	...	1	1	...	...	...	...	221
Orleans	23	...	...	...	...	...	...	...	23
Oswego	64	...	...	...	...	...	...	...	64
Otsego	12	...	...	...	...	2	...	...	10
Putman	41	...	...	...	1	4	...	...	36
Rensselaer	287	7	8	6	9	14	...	...	243
Rockland	58	1	1	...	1	10	3	...	42
St. Lawrence	28	1	...	...	1	4	1	...	21
Saratoga	112	1	6	18	1	4	...	...	82
Schenectady	18	..	...	...	...	...	...	...	18
Schoharie	20	...	...	2	...	...	...	...	18
Schuyler	12	...	2	...	...	...	...	...	10
Seneca	...	...	...	...	...	...	...	...	...
Steuben	71	5	1	...	2	2	3	...	58
Suffolk	229	2	...	...	2	...	...	...	225
Sullivan	88	1	3	1	...	...	...	...	83
Tioga	24	...	1	...	...	8	...	...	15
Tompkins	41	4	3	1	1	5	...	...	27
Ulster	133	2	1	1	...	...	...	1	128
Warren	49	3	3	4	...	5	...	...	34
Washington	80	...	...	...	...	1	...	...	79
Wayne	37	4	2	...	...	1	...	...	30
Westchester	204	...	2	6	6	13	3	1	173
Wyoming	36	...	...	1	2	1	...	...	32
Yates	8	...	...	...	...	...	...	...	8

Table A-126
FAMILY COURT
Persons In Need Of Supervision Petitions: Orders Extending Placement
1987

Placement	Total Orders Extdg. Plcmt.	1st Order Extdg. Plcmt.	2nd Order Extdg. Plcmt.	3rd Order Extdg. Plcmt.	4th or More Order Extdg. Plcmt.
New York State					
Home, Rel., Pvt. Person	10	7	2	...	1
Comm. Social Service	859	541	198	72	48
DFY Title II	155	100	35	12	8
**Total	1,024	648	235	84	57
New York City					
Home, Rel., Pvt. Person	...	...	...	...	...
Comm. Social Service	209	118	46	20	25
DFY Title II	13	8	3	1	1
**Total	222	126	49	21	26
Outside New York City					
Home, Rel., Pvt. Person	10	7	2	...	1
Comm. Social Service	650	423	152	52	23
DFY Title II	142	92	32	11	7
**Total	802	522	186	63	31

This table only includes those 110 forms where petition type (Section E) is code 3-pins.